

THE  
INDICTMENT,  
3040  
TRIAL,  
AND  
SENTENCE  
H. R. 7, T. 5, O F  
Mess. Thos Kinnair, Andrew Batten,  
merch. and Robert Morton, Shoe  
maker  
BEFORE  
The ASSOCIATE SYNOD,

AT THE INSTANCE OF  
THE REV. MR ADAM GIB.

• By a GENTLEMAN of the LAW.

M<sup>r</sup> John MacLaurin Advocate *Commissary*

Ridentem dicere verum, —

Quid vetat?

HOR.



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## A D V E R T I S E M E N T

### BY THE EDITOR.

HAVING occasion, lately, to call on an ingenious friend, a gentleman of the law; I observed the following *Indictment, Trial, and Sentence*, lying, in manuscript, upon his writing-desk. As most men are fond of perusing criminal trials, the title of this performance excited my curiosity to see its contents. After repeated importunities, I prevailed with my friend, who is a person of uncommon modesty, to favour me with a reading of it. Having perused it with considerable entertainment, I thought, (as it is extracted from works already in print), that the public were entitled to a share in this. I addressed myself, therefore, to the author, for his permission to publish it. He resisted my entreaties with that becoming diffidence so natural to a modest author, until at length, by mere dint of importunity, I obtained his consent.

This is the æra of improvements. The public is presented, almost every year, with refinements in physic, philosophy, mathematics, and the other liberal sciences. As I considered the following *Indictment, &c.* as one of the boldest improvements in the science of law, which the present age has produced; I thought it deserved the public attention, as justly as many of our modern improvements in the *fine arts*. It is true, there have been many kinds of trials already published to the world.

We have seen trials for misdemeanors, trials for libels, and trials even for a trespass; but the following is a new species of th  e, and the first specimen which ever was presented to the world, of an indictment for high crimes committed by mens countenances.

Besides this consideration, another of a very important nature determined me to publish the following performance. About a dozen of years ago, the moral virtues received a very considerable addition to their number, by the labours of that ingenious philosopher, DAVID HUME, Esq; To the old roll of moral excellencies, that gentleman was pleased to add those of genius, wit, health, cleanliness, taper legs, and broad shoulders. By way of contrast to these modern virtues, the reader will find, in the following work, a catalogue of new-invented vices, for which the world is indebted to the ingenuity of the Rev. Mr Adam Gib. These are the atrocious crimes of sneering, screwing up the mouth, knitting the brows, brow-beating, &c. And I cannot help thinking that the last of these improvements will turn out to be of as much, if not of more real benefit, to the interests of this nation, than the first. For, before the invention of Mr Hume's new virtues, we had as many old ones as we could find leisure to put in practice; but, as new vices are both more easily learned and practised than new virtues, there is reason to believe, that when our CHOICE SPIRITS are certainly informed, that these new improvements are really *vices*, they will practise them, merely for the sake of their being such. Thus the legislature will be under a necessity of enacting new statutes and penalties, for the punishment of these; which cannot fail to promote business, by increasing the practice of law, in our courts of justice. I much doubt if Mr Hume's new set of moral virtues will ever be attended with so many public advantages, either to the law, or to the lieges.

I must mention another reason, which influenced me to importune the author for his permission to print the following work. Although I have read many judicious and elaborate attempts, to vindicate the practice of both the English and

Scots clergy, who, though they do not believe the creeds of their respective churches, do readily subscribe these as a test of their orthodoxy ; yet, I must confess, I was never thoroughly satisfied with the arguments offered in behalf of their sincerity and ingenuity in doing so. After all the profusion of learning and argument, which has been wasted on the public in this cause, there were some ugly objections on these articles, which still remained unanswered, and from which the narrow-minded vulgar took occasion to impeach their spiritual guides with what they call dishonesty. The author of the subsequent treatise has hit upon a plan, which will effectually obviate all these inconveniences. By an exact observation of the rules which he has prescribed, the clergy may not only subscribe the creed of this church, but of any other, and afterwards renounce their subscriptions ; without incurring the least suspicion to the prejudice of their sincerity, or giving the vulgar the smallest handle for charging them with disingenuity. Besides the reasonable relief which this measure will give to the consciences of many of the sacred order in our native country, it cannot fail to contribute a good deal to the inward quiet of many of their brethren in England ; as it will (*mutatis mutandis*) serve as an excellent salvo for satisfying the consciences of such of the English clergy, as subscribe the homilies and thirty-nine articles, and yet do not believe these ; and enable them, at the same time, to vindicate their conduct in afterwards renouncing their subscriptions. Especially, I hope, the plan proposed will afford a satisfactory defence of the sentence lately pronounced by Dr Durell, Vice-chancellor of Oxford, and the other Reverend heads of houses of that university, who expelled six students from their society, for the hainous crimes of praying extempore, and asserting the doctrines of particular election, the perseverance of the saints, and justification before God by faith alone : doctrines so very obsolete, that they are justly esteemed, by the members of that learned college, such hard sayings, as no man of liberal sentiments can bear them. These peculiarities, I confess, to the grief of many worthy clergymen of the English church, hitherto maintained their place in the thirty-nine articles and homilies of the church of England ; consequently Dr Durell, and

the other heads of houses in the university of Oxford, were under the disagreeable necessity of subscribing the same, at their admission to their several offices. But in whatever light this instance of their conduct may appear to Mr Whitefield and other enthusiasts, it is amply justified in the following treatise; and the uniformity of character in these Reverend gentlemens renouncing their subscriptions, is also clearly demonstrated. I observe indeed, that Mr Whitefield, in his letter to Dr Durell, expresses his hopes, that some gentlemen of that university will in due time be expelled from Oxford for extempore swearing, as well as others have been for extempore praying. But that gentleman must allow me to inform him, that although extempore praying is against the express ORDER of the church of England, yet *extempore* swearing is not. For although that church has obtained an act of uniformity, obliging all her members, under severe penalties, to pray by form, she has not as yet thought fit to interpose her authority, in order to oblige them to swear by form. Mr Whitefield must therefore never expect to enjoy the pleasure which he hopes for, of seeing gentlemen expelled from Oxford for extempore swearing, until the church of England issues out an ACT OF UNIFORMITY against this practice, under the same salutary pains and penalties, by which, in the year 1662, she prohibited the practice of extempore praying.

Perhaps it will be objected against the author, that he is a retainer to Mr Gib, and consequently is partial to that gentleman, in the account which he has given of the process against the pannels, at his instance. I was aware of this objection; and therefore put the question to my friend, whether he was, either now or formerly, in pay to Mr Gib. He answered me with a degree of emotion, expressive of his abhorrence of the imputation; by informing me, that he had not received, either formerly or of late, any gratuity, reward, or promise of good deed, for his present labours, from the Rev. Mr Gib; and that the only motive which prompted him to attempt this task, was a regard to truth, and character vilely traduced; in behalf of which, said he, every person of integrity ought to

be an advocate. Besides, he added, that even the worst-natured part of mankind could not, with any shew of decency, impeach him with partiality: as the following work is taken from two performances, the one published by the pannels, the other by the Rev. Mr Gib; to which he refers every reader, who shall entertain the least jealousy of his being biased in favour of that gentleman.

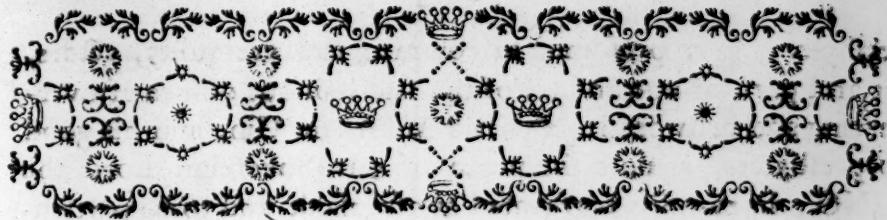
Having thus introduced my friend to the acquaintance of the public, I shall take my leave of the candid reader, by obviating an objection which the pannels, or their friends, may perhaps suggest against the following undertaking. They will complain, it is likely, of the author's severity, in the freedoms which he found it necessary to use with their countenances. They will allege perhaps, that as it is impossible for any man to mould his face, to the satisfaction of every person who is pleased to take offence at the same; so it is ungenerous to libel men before the public, for the particular cast of their countenances. But I beg leave to observe, in defence of both Mr Gib and the author, in this particular, that as the high crimes charged against the pannels are almost all founded upon the immorality of their faces, the author was under a necessity to exhibit a true portrait of these, in order to verify the several articles of the indictment against them. Nor does he think, that he owes them any apology for doing so. For he is persuaded, that if they had given due application, they might have reduced their faces, at least to such a decent appearance, as would, in a great measure, have removed the offence which Mr Gib had so justly taken at these; and had they had the good manners to have done this, they might, I doubt not, have passed through the world, without either the Gentleman of the Law, or any other person's arraigning them for the peculiar vices of their countenances. It is certain that the Chinese, by proper care, can mould their feet into any shape which they have a mind; and the Moors, by the like pains, acquire that peculiar flatness of the nose, by which they are distinguished. Why, then, might not the pannels, with the small trouble of practising half an hour, every morning be-

fore a looking-glass, in due time have moulded their countenances into such an air of modesty and meekness, as would have afforded Mr Gib's conscience that reasonable satisfaction, to which he was so justly entitled from them ? Had they vouchsafed to apply themselves to this task for some months, it is likely they would have saved both Mr Gib and the author the trouble of forming a libel against them. Their incorrigible obstinacy, therefore, deserves no compassion ; and if they dislike the picture, which the author has drawn of them, they have themselves to blame for affording him the original.

*P. S.* I have taken the liberty, with the author's permission, to add a few notes.

The





# The Indictment, Trial, &c. \*

## ARTICLES OF INDICTMENT, &c.

M E S S. Thomas Kinier, Andrew Beaton,  
and Robert Merton, all and every one of  
you pannels at the bar of the Rev. the Associate  
Synod; you and each of you are accused  
at the instance of the Rev. Mr Adam Gib:  
THAT WHEREAS, by the laws of  
this, and every other well-mannered realm, the crimes of  
overbearing and browbeating his Majesty's lieges, by haughty,  
supercilious, and contemptuous looks, knitting the brows,  
screwing up the mouth, and otherwise †, are crimes highly  
punishable, particularly by an act of the Associate Presbytery  
of Edinburgh, which declares such behaviour to be AUDA-  
CIOUS and ATROCIOUS ‡; YET TRUE IT IS  
AND OF VERITY That you the said Thos Kinier,  
Aw Beaton, and Rob Merton, shaking off all fear of  
the Rev. Mr Adam Gib, and regard to the authority of the said

\* This Indictment, Trial, and Sentence is taken from two pamphlets; the one entitled, "Reasons of protest, by three elders in the Associate Congregation of Edinburgh, against an ACT of the ASSOCIATE SYNOD, at Edinburgh, April 9. 1767; exalting the Rev. Mr ADAM GIB to a SUPREMACY over the said Synod, and judicatories subordinate thereto; and debarring the said three elders, and a multitude of other persons, members of the said congregation, from communion with the church; unless they approve of that act." The other is entitled, "A Refuge of Lies swept away: In an answer to a most false and abusive libel lately published by Thos Kinier, Aw Beaton, and Rob Merton, late elders in the Associate Congregation at Edinburgh, &c. By Adam Gib."

† And then, in the way of screwing up the mouth, and gnashing upon the word *crush*, he [Mr Beaton] declaimed against them, with airs of horror and supercilious contempt. *Refuge of Lies*, &c. p. 31.

His [Mr Kinier's] words were nothing, compared with his *manner* of speaking; pointing at me, and diversifying the face and tone, — with a furious and brow-beating contemptuousness which words cannot paint. *Ib. p. 54.*

‡ Thus all decorum of the court was most grossly and violently trampled down by them, so that the Presbytery was reduced to an incapacity for getting any proper cognisance taken of such *audacious and atrocious behaviour*. *Ib. p. 172; in note.*

Presbytery, have presumed to commit, and are guilty, actors, art and part, of one and all of the said hainous crimes of overbearing and browbeating the said Mr Adam Gib, and his good co-presbyters, against the peace of our Sovereign Lord the KING ; in manner aggravated as aforesaid, and to be particularly expressed in the following articles of indictment against you.

### A R T I C L E I.

THAT, in defiance of all the laws of good breeding, decency, and manners, you the foresaid T—s ~~Kin~~—r, and your associates, have wickedly and maliciously presumed to assume and put on your respective countenances, either by paint or otherwise, a certain audacious and daring aspect, expressive of the innate haughtiness and pride of your hearts ; to the very great nuisance and offence of the Rev. Mr Adam Gib, and the Associate Presbytery of Edinburgh.

### I L L U S T R A T I O N.

THE pannels are charged, in this article, with assuming a certain audacious aspect \*, expressive of the innate pride of their hearts. It is very certain, that the faces of most men, are an infallible index to their dispositions. There is such a close communication betwixt the soul and the eye, that physiognomists are at no loss to ascertain, not only a man's temper, but his morals also, from the particular cast of his countenance. Mr Gib had therefore good reason to call the haughty and contemptuous looks of the pannels, *particulars of a grossly immoral nature* †. In this he is supported, by

\* All that I mentioned, was a haughty and supercilious manner of his behaviour toward me on that occasion. *Refuge*, p. 83.

† But I shall now transcribe all the three, at the foot of the page ; as particulars of a gross and atrocious nature, with respect to an overbearing manner of behaviour. And these are indeed all the particulars, over and above what I condescended upon in the motion, that ever I gave the smallest reason or occasion to think I meant, when I ever referred to any particulars as of such a character ; having never referred to any, under the notion of *crimes*.

1. " Hereupon he [Mr K—r] made a proposal of doing something himself in the matter, by way of rising up in a very uncommon degree of passion against the rest of the managers.—And when I have since expostulated with himself, to acknowledge an offensiveness in his manner of behaviour at that time,—I could prevail nothing ; while he excused it by saying, that there is a lawful anger.

2. — " I then proposed, that the affair should be delayed till the next meeting of session, when the other elder from Leith might be present. Though this was a proposal on Mr K—r's side, (I having no otherwise interfered on the question), —yet he immediately held up both his hands at me, with the utmost signs of con-

the judgment of one of the greatest adepts in the knowledge of human nature, which this age has produced \*. "I have seen," says that great man, "an eye curse for half an hour together, and an eyebrow call a man a scoundrel." It is granted indeed, that every one is not qualified to understand or explain the proper language of the features; but when men, by indefatigable application, have carefully studied the human countenance, (which, it may be supposed, has been the case with Mr Gib), they are able to judge with as great exactness of a man's temper and thoughts, by his looks, as some others can do by his words; and for this plain reason, a man's speech is much more easily disguised, than his countenance.

Although it is not charged against the pannels, that they cursed with their eyes, (which I doubt not was the case, although an excess of charity did not permit Mr Gib to charge them with this); yet it is beyond all doubt, that they threatened both Mr Gib and his brethren with these †. For the article of browbeating alleged against them, must certainly be nothing less, than what the author just now quoted, explains to be a calling a man a scoundrel with the *eyebrow*. How unfavourably provoking is it to be menaced and insulted in this manner! Indeed it is to be lamented, that our laws are so defective, in taking proper cognisance of crimes of this kind. If a man maltreats me, either with hand or tongue, I can have an action against him at law, either for an assault or battery, or for scandal. But the eye and eyebrows, through the imperfection of human laws, are a sort of licensed criminals, whom the arm of our law, long as it is, has not as yet been able to reach. But it is to be hoped, that, in due time, the legislature will make suitable provision against crimes of this kind; and declare it to be as truly felony without benefit of clergy, to murder with the eye, as with the hands. For certainly, if a deadly crime is

temptuous mockery: which I could put no construction upon, but as a disdaining any favour to his side from me, upon my having checked him for his *manner* of behaviour.

3. — "Mr K——r, at his own hand, made out a new scheme for the turns of the elders at the collection.—

"These are some particulars, which he reckons of no relevancy, though they are a sufficient swatch of a certain *manner* of behaviour.—

"And let it now be judged, how far they had reason to protest against me,—as loading them with general charges and accusations, and refusing to condescend on any particular grounds of offence. *Refuge, &c. p. 142. 143.*

\* Mr ADDISON.

† Neither can I be reconciled to the overbearing and threatening manner, in which some of these advocates have behaved about that matter. *Refuge, p. 37.*

perpetrated, it ought to be of small account in law, with which of all the members of the body it is committed, whether the hand, the tongue, the foot, or the eye.

It is an established rule among all physiognomists, to take the measure of a man's mind by his face. If the countenance is open and ingenuous, it is like a well-painted sign-post, which promises you an agreeable landlord, and good entertainment within. A vintner of my acquaintance in a country-village, was so sensible of the propriety of this metaphorical allusion, that, being diffculted for a proper device to hang before his door, he very wisely determined to present his own face in paint to passengers; which happening to be a good jolly one, soon brought him all the busines of his way in town.

The ignorant part of mankind may perhaps be ready to raise some weak objections against Mr Gib's making the pannels countenances grounds of a libel against them. But these are frivolous, and hardly worthy of a serious answer. For it is as plain as funshine, that one man may have a very virtuous face, and another a scandalously immoral one. The univeral consent of mankind agrees in this. Hence you hear nothing more frequently, than that such a man has a *good* face, and such another a *bad* one; which, according to the received acceptation of the words, certainly signifies that the one has a virtuous, the other a vicious countenance.

These observations are confirmed by the suffrage of a late modern author, who, in his Account of Corsica, informs us, that the great Corsican patriot, Gen. Paoli, did not admit him into familiar intercourse with him, until he had narrowly examined the features of his countenance. Being an excellent physiognomist, the brave Corsican did with much more certainty ascertain that gentleman's friendly dispositions towards him from the lineaments of his face, than from either Rousseau's, or the Count Rivarola's recommendatory letters in his behalf. For even these recommendations did not entirely remove Paoli's jealousies of the author, until, by the rules of physiognomy, he was convinced by Mr Boswell's countenance, of the uprightness of his intentions in waiting of him. "I presented him," says that author, "a letter from Count Rivarola; and when "he had read it, I shewed him my letter from Rousseau. He "was polite, but very reserved. I had stood in the presence "of many a prince, but I never had such a *trial* as in the pre- "sence of Paoli. I have already said, that he is a great physi-

“ ognomist. In consequence of his being in continual danger  
 “ from treachery and assassination, he has formed a habit of  
 “ studiously observing every *new face*. For ten minutes we  
 “ walked backwards and forwards through the room, hardly  
 “ saying a word, while he looked at me, with a steadfast, keen,  
 “ and penetrating eye, as if he searched my very soul.—This  
 “ interview was for a while very severe upon me.”

But this point is capable of the clearest demonstration; for which I must, in justice, state myself a debtor to a learned friend, a gentleman of the Faculty. I had recourse to him for solving me, on the principles of his profession, the difficulty of accounting for the peculiar mould of every man's face, and that prodigious variety of countenances which is obvious among a multitude. This he did to my great satisfaction. The variety, said he, of human faces, is owing to the particular passions which predominate in youth. In that early period of life, the lineaments of the face are pliable and tender; and the passion which has the ascendant in the soul, whatever it be, acts with such force and energy upon the animal spirits, that these give a particular cast to those muscles which constitute the peculiar characteristics of a man's countenance. Thus, if anger, pride, or revenge, is the reigning passion in youth; we see the impressions of these various passions, for ever afterwards, visible in the countenance; and, at one single glance, can distinguish a choleric, a haughty, or a dark designing fellow, by the very mould of his face. So that, according to the hypothesis of my learned friend, a man may carry his crimes legibly written on his forehead, and every person of tolerable penetration may be able to understand and read them. The Rev. Mr Gib had good ground, therefore, to charge the panels with the grossest immoralities, upon the evidences of their own countenances. For I cannot conceive a stronger testimony, than that of a man's face being led as an evidence against his heart.

It is true, a certain writer has pronounced it an act of irreparable injustice, to be prejudiced against any person, from no other evidence than the features of his face. He tells us very gravely, that Dr Moor, in his system of *Ethics*, ranks this inclination to take prejudice against a man, among the smaller vices in morality, and gives it the cramp drawing name of *Protopolepsia*. But Dr Moor was a mere college-pedant, and knew little of mankind, but what he had picked out of worm-

eaten books. For had he been truly conversant with the world, he might have learned more of human nature from mens faces, than from all the books in his library. Besides, what avail the abstract reasonings of a dull philosopher, when contradicted by manifest facts? It is a known truth, that we cannot see the face of a stranger, without forming some conjectures as to his disposition and morals. And is it not as obvious a fact, that we seldom, if ever, retract that opinion, which we have formed of him at first sight, be it just or injurious?

But I am able to prove by facts, that the countenance is not only a certain index to the dispositions of the heart, but an infallible glass also, in which physiognomists cannot only discern a man's particular fate, but ascertain, with the greatest certainty, what death he shall die. In this I am supported by one of the first-rate British historians. An English gentleman, he tells us, being in Rome, had a mind to have a statue of Charles the First of England. Having procured an exact likeness of that prince, he sent the picture to a celebrated statuary of that city, that he might finish a statue according to it. Some time afterwards, the artist (who was a celebrated physiognomist, as well as statuary) waited on his employer, and begged to know, if the person, whose picture he had sent him, was a relation of his: which the gentleman, for particular reasons, answered in the affirmative. I am sorry for it, replied the Italian; for it is the most unhappy face I ever beheld on canvas; and I am confident that the person whose likeness it is, will die a violent death. Now, if this physiognomist could certainly discover the unhappy fate of Charles I. from the lineaments of his face in painting; I am sure he could much more easily have guessed at his disposition and morals, had he seen the royal original. And I doubt not, if it had not been for an excess of Italian delicacy, the statuary could, from the very painted likeness of Charles, have told his employer, that his supposed friend was a notorious bigot, a gross dissembler, and a hen-pecked uxorious husband.

Some smatterers in physiognomy are pleased to affirm, that there may be, in some instances, a very untoward and disobliging set of features, and yet the owner may possess a very amiable and agreeable disposition. In such cases, they say, that it is glorious for a man to give his face the lie. But, with their leave, I will affirm, that it is impossible for **SOME PERSONS** to give their faces the lie. The countenances of the pannels

exhibit such a just and striking transcript of their haughtiness and pride, that it is impossible for them to counterfeit them.

A habitual drunkard, with a livid swollen face, cannot blush. So the countenances of the pannels are hardened and settled into such a habitual contemptuous overbearing manner, that they cannot for their hearts belie them. The words of a great poet, with a little variation, may be very justly applied to one of them.

*As to his share, uncommon errors fall,  
Look in his face, and you'll observe them all.*

### A R T I C L E II.

THAT you the aforesaid T—s K—r, and your associates, in contempt of that just respect due to Mr Gib and the Associate Presbytery of Edinburgh, upon various occasions, in various months, and various days, and before various witnesses, did wickedly emit the breath of your body by your nostrils, by contracting the muscles thereof, in the way of what is vulgarly called SNEERING \*, to the great nuisance and offence of the said Mr Gib, and the Associate Presbytery: which indignity you committed out of malice prepense, and contempt of their high characters; with this horrible aggravation, of emitting the same polluted breath of your nostrils, in the presence, and before the very faces of the respectable personages foreaid. Of which crime you the said A—w B—n and R—t M—n, are guilty, art and part, though not FULLY so.

### I L L U S T R A T I O N.

THIS article of indictment contains an accusation of very high crimes, and misdemeanors. SNEERING † in a way of contempt (for I distinguish between this, and the act of *sneezing*) is one of the highest instances of outrage, which can be committed by an inferior against a superior. It consists in shutting the lips, contracting the muscles of the nose, bridling the countenance, and with a supercilious, disdainful air emit-

\* However, the teller of this story owns the truth of his having *sneered* at Mr Robertson, on the occasion referred to; and he has very good reason to own a singular frequency of such behaviour. *Refuge*, p. 37.

At the same time, my chief prosecutor [Mr K—r] made no scruple of treating me, and any opinion of mine differing from his own, with touches of sneer and contempt. *Ib.* p. 21.

† Upon this point, they sneer at "my gratitude for the trouble they had given themselves." *Refuge*, p. 167.

ting, through the nostrils, that breath, which ought, in decency, to pass only through its lawful passage, the mouth; and all this attended with such a particular offensive cast of the eye, as cannot be described.—Whatever persons of weak understandings may imagine, this is certainly one of the most scandalous instances of unprovoked insolence, especially when (as laid in the indictment) the noxious effluvia is emitted in the very faces of respectable superiors. The laws of England have determined this crime to be capital, in a famous instance. I need not inform my learned readers of it. I shall only mention it, for the sake of such of the vulgar as are unacquainted with the history of Cardinal Woolsey. When Harry the Eighth had determined to get rid of this overgrown priest, he ordered his privy council to prepare articles of impeachment against him. Among others, this was one, that the said Cardinal Woolsey had wickedly and maliciously breathed in the face, and upon the person of the said King Henry: Which high crime, together with some other petty misdemeanors, were judged by the lawyers of that period, to amount to an overt act of treason or lese-majesty. There have been, I know, many disputes with respect to the precise meaning of this part of Woolsey's guilt, *his breathing on the King*. But these have been occasioned by the dulness and ignorance of succeeding lawyers. For it is very evident, that Woolsey's crime was the very same in its nature with that of the pannels, namely, a SNEERING at Henry through his nostrils, by way of contempt of him, for the bold encroachments which that prince had made upon the honours of the Papacy. It is very plain, that this, and this only, could be the meaning of the Cardinal's *breathing* on the King. For had it been high treason to have breathed upon Henry in the ordinary way, he might have preferred impeachments against every person with whom he conversed, and thus beheaded all his courtiers, for much the same reasons which he did his queens. It is obvious, therefore, that as breathing upon his Majesty was criminal, it must certainly be understood for that contemptuous swelling of the nostrils, which we discover in one person who sneers at another.

Now, I desire the reader to attend to the conclusions, which I am to deduce from the foresaid premises. Cardinal Woolsey was a priest. Harry the Eighth was but a mere lay-man. If then the hallowed breath even of a priest upon a lay-man was an act of treason; then it follows, that the impure breath of

a layman in the face of a priest, must be a much greater and more atrocious crime; and that in proportion to the very great difference between their respective characters. In this light the pannels crime amounts to no less than high treason against the Seceding priesthood, in the persons of the Rev. Mr Gib, and the members of the Associate Presbytery of Edinburgh.

The indictment charges the first of the pannels as principal, and the other two as *art* and *part*, in this hainous crime. To be art and part in any crime is the same with that which English lawyers, in their barbarous style, call a being accessory to the commission of a crime. As there are different degrees of accession to guilt, and one may have a third, or a fourth, or even a fifth share in the perpetration of a crime; the other two pannels, at least the second of them, are only indicted as art and part, in the guilt of sneering, though not FULLY so. It is a pity that this important and necessary distinction in law were not more attended to, especially where the lives and liberties of his Majesty's subjects are concerned. It were to be wished at least, that proper attention had been always paid to it, in all criminal trials before the H—h C—t of J—y, as this might have been a means of saving many valuable lives, which have been lost to their country, upon the footing of their being art and part in some capital crimes, without ever its being decided, whether they were FULLY so or not. I hope, therefore, his M—'s A—e will take the hint, and that when indicting criminals for the future, he will, with mathematical exactness, ascertain the precise degree of guilt which he lays to any man's door, when he charges him with being art and part in the commission of any capital crimes. The learned gentleman of the law, who lately calculated, with such mathematical precision, the exact proportion of moral evidence, both for Mr Douglas and against him, will be able, by the same infallible rules, to ascertain the just proportion of guilt which ought to be charged against any criminal, who is not principal in the perpetration of a deadly crime. Or if he should not, his L—p needs only transmit the precognitions upon which the indictment is to be founded, to Crofs-causey; where the Rev. Mr Gib and his elders will readily assist him, in determining whether art and part consists in being FULLY so \*, or only in the twentieth, thirtieth, or fortieth share of the crime.

\* And likewise so far as respected Mr B—n; only that *three* of these nine, though they were clear about his having been art and part with Mr K—r, according to the motion,—they were not clear about his having been *fully* so *Ib. p.77.*

## A R T I C L E III.

THAT you the above-mentioned pannel T—s K—r, having, by ways and means, acquired an austere and terrifying countenance, did put on all the terrible peculiarities of a military man, except the cloaths, and repaired to Cross-causey, where the Associate Presbytery of Edinburgh were quietly and peaceably sitting ; and then and there did direct all the martial fire of your *eyes* at the person of the Rev. Mr Adam Gib \*, to his great terror and dismay, fiercely assaulting him with such cockatrice looks †, as pierced his heart to the quick ‡, and greatly frightened the said Presbytery.

## I L L U S T R A T I O N.

IT is observed by the historian of the great Gustavus Adolphus, that that great monarch was at a deal of pains to improve the countenances of his soldiers into a fierce and military aspect. For this purpose, he ordered them to gird their neckcloths so tight, that their eyes were almost ready to start out of their sockets : this gave them such a stern and fierce appearance, as struck terror into their enemies ; and to this stratagem, it is believed, all that hero's victories in Germany were principally owing. I find no fault with the gentlemen of the sword, for assuming all the martial airs which a grenadier-cap, or a smart cock of the hat can give them ; because they do this in defence of the liberties of their country. But it must undoubtedly be considered as a notorious insult upon the peaceable part of mankind, for private persons to assume all the formidable and insulting peculiarities of a military man ||, as is charged upon the pannels. It is well known, that there is no

\* And what did this testimony amount to? Just to a having got me heartily drubbed before the Presbytery ; or a having got his breath and temper freely out against me. *Refuge*, p. 57.

† The foremost libeller began the conversation by a long speech, in which he got no interruption ; and in which he gradually rose up to a very surprising height of temper and tone, without the smallest motion of tongue or eye to irritate and provoke him. The whole tenor of this speech was a passionate declamation against me for running me down. *Ib.* p. 54.

‡ He knew well, and took notice of it to others, that it was a good time after, before the smart of the wound he had then given me was so far worn out,—as to drop such an appearance of it, whenever I met with him. *Ib.* p. 83.

|| All the ministers of the Presbytery then present, were sensible of the disrespectful usage meant ; and afterwards complained of it : but they were then used in a too high and haughty manner, for getting themselves recovered unto a proper resenting of it at the time. *Refug.* p. 34. in *not.*

weapon more deadly in its nature than the eye. What execution has this same little member done among mankind, when flinging its lightning from a female forehead? I will venture to affirm, that there have been more men shot dead with this little weapon, than by all the deadly instruments which have been practised in war, since the invention of gun-powder. Besides this destructive quality of the eye, it possesses another equally, if not more pernicious; and that is, its power of fascination or bewitching. Hence the common proverb, such a person has an *evil eye*: and I cannot help believing, but that the pann's eyes are of the very same kind with those which our great King James the Sixth of learned memory, so particularly describes in his famous treatise for detecting witches. At least, the account which the Rev. Mr Gib gives of these, agrees exactly with that which is given of the eyes of the famous witches in New England, who made so great a noise in the year 1693 \*. The Rev. Mr Paris, an Independent minister at Salem in New England, solemnly deposed upon oath, that the prisoners in Boston (that is, the witches) knocked down the afflicted (that is, the persons bewitched) with their very *looks*. Now, it can be proved by the word of a Presbyterian minister, which, at least in this instance, ought to go as far in law, as the oath of an Independent one, that the pannels knocked down both Mr Gib and the Associate Presbytery by their looks †; which are undoubtedly of the most malignant kind, seeing they were capable of producing such mischievous effects. It is true, that in the memorable case of the New-England witches, it was expressly determined in a congress of learned physicians, that the persons bewitched were under the influence of an *evil tongue* ‡. But it is plain from the oath of the above-mentioned Independent minister, that the gentlemen of the faculty were in a mistake; for it was not an *evil tongue*, but an *evil eye*, by which these wretches did so much mischief, as deservedly brought many of

\* Neal's history of N. Eng. vol. 2. p. 170.

† The members were averse from exposing themselves, by using freedom on that head, to an evident hazard of some such lathing as I had got. *Ib. p. 58.*

T—s K—r and A—w B—n, through the whole course of their appearance before the Presbytery on this occasion,—behaved with such contemptuous insolence, such haughty browbeating, such raging and noise, as several times raised a noisy disturbance through the house, and greatly exceeds all description which the Presbytery can pretend to make of the case: as also they most impudently and spitefully laughed in the face of members when they were speaking. *Ib. p. 171. in not.*

‡ Neal's hist. of N. Eng. p. 125.

them to the scaffold. But indeed, as there is seldom a *good tongue* where there is an *evil eye*, I doubt not but the pannels seconded the malignancy of their eyes, with the venom of their tongues. If then the pannels are capable of producing so very much mischief with their eyes, as that of knocking down Mr Gib and all the members of a Rev. Presbytery \*; it is plain, that though they wear their weapons in their foreheads, they are nevertheless as dangerous persons to society as the assassin who conceals his dagger under his shirt. For what is the odds betwixt knocking down a person with a malignant eye, and doing the same with an oaken cudgel ? I affirm, that the first of these is more fatal by far, than the last : for a cudgel may break the head, but the *evil eye* breaks the *heart*. The pannels guilt therefore in this instance, falls certainly under the act *dec. 8 vi Geo. 2di*, for disarming that part of Great Britain called Scotland.

#### A R T I C L E IV.

THAT you the said pannel T—s K—r, in contempt of that respect which you owe to your superiors, have assumed a most supercilious, browbeating, and haughty mien, which, by habitual usage, is now so visibly imprinted in the lineaments of your face, that none can survey your countenance without discerning through it, the insufferable insolence and haughtiness of your heart; YET TRUE IT IS, that you the said T—s K—r did most impudently deny the truth of this charge, when advanced against you by the Rev. Mr Gib, who, by virtue of his skill in physiognomy †, had and has a just right and title to give the world an infallible commentary on your countenance, and in whose judgment thereanent you ought to have dutifully acquiesced. YET NOTWITHSTANDING, you did, out of pure insolence, refuse to admit the truth of the said just charge against you, weakly calling upon Mr Gib to condescend upon particular instances of your said behaviour ‡,

\* But that the whole matter in view, under such a fair pretence,—was merely the satisfaction (not of conscience, but) of humour, in getting me well belaboured? And so, when this was once got done, it was to be rested in! *Ref. p. 57.*

† But a great outcry was made against the general article, of his having “given “ just ground of offence, by something habitual of an overbearing *manner* of be-“ haviour, with banter or browbeating, where others concerned were of dif-“ ferent sentiments from him.” *Ib. p. 74.*

‡ If therefore the charge was to be properly repelled, this could not be by call- ing me to bring particular instances; but only by calling me to bring other persons who thought so, &c. *Ib. p. 74.*

although he plainly proved this charge in general against you, by the testimony of these two credible witnesses, HABITE and REPUTE \*.

### ILLUSTRATION.

As the crimes charged upon the pannels by Mr Gib, turn especially upon the insolence and gross abuse which they committed upon him and his Rev. brethren, by their insulting and contemptuous looks; the nature of their crime renders the repetition of it absolutely necessary, in order to present the reader with a view of all the various Janus-like faces, into which they severally twisted their countenances, before Mr Gib and the Associate Presbytery of Edinburgh.

It is a very just observation, that you may single out a player, among a crowd, by his very gait and mien. His Theatrical Majesty, being so often accustomed to strut in state and buskins upon the stage, acquires such a degree of overbearing insolence in his countenance, that he cannot pass you in the street, without insulting you, and telling you by his looks, that he is greatly your superior. Now, I affirm, that as all men are born on a level, no man has a right to assume a superiority over his neighbour by his looks of superciliousness, any more than by acts of violence. If the one strikes at natural liberty, as certainly it does, (for no man has a right to be my superior, either by his looks or otherwise, without my consent); so must the other also. For, as the Rev. Mr Gib expresses it, an audacious overbearing cannot possibly agree with a state of parity †.

There are perhaps few such proficients in the vile art of encroaching on the liberties of mankind, by bold usurpations of the countenance, as one of the pannels is well known to be. He is come such lengths in this, that the Rev. Mr Gib has reason to believe, that hardened as his conscience is, it has sometimes been at cuffs with his countenance on this matter §: and

\* It was an article of the nature of *habite and reputa*. *Ib. p. 144.*

† Such is the woful pass that matters were now brought to in the Session; and all, by his manner of behaviour: while he boldly stood forth, as in a readiness to vindicate all his late manner of behaviour before the Presbytery; and proceeded, through the reasoning about quite other matters on this occasion,—with the same spirit as at that time, about the matters then in hand;—with an high tone of audacious overbearing, which could not agree to the nature of any court where men were sitting in a state of parity. *Ib. p. 67.*

‡ I never pretended to believe, that he “ was not sensible of his overbearing and browbeating turn.” I only said, that “ if so, he was the only man ever I “ knew who had no sense of his remarkable weak side.” *Ib. p. 82.*

yet, for all this, he perversely refused to acknowledge so much. But it is obvious, that the evidence which Mr Gib has been at the trouble to lead, as a proof of the panel's superciliousness, is so forcible and striking, as must have extorted an acknowledgment of the truth of the charge from every other person except the pannel; for can there be stronger evidence in law than HABITE and REPUTE? The pannel has, indeed, again and again insisted, that Mr Gib should condescend upon particular instances of his habitual and overbearing manner. But this is much of a piece with his impertinence on another occasion. Being summoned before the Associate Presbytery of Edinburgh, to answer to a charge of a very enormous nature \*, instead of answering directly to the charge against him, he weakly called out to know who were his prosecutors; which the Rev. Presbytery very wisely judged to be claiming a privilege to which he had no natural right, and a plain shifting the accusation. But had the pannels duly considered, that the nature of the charge advanced by Mr Gib against them, is such as cannot admit of *particulars*, they would have been ashamed to cry so loud for the particulars of a charge, which is not compounded of any. For, as that gentleman justly observes, "a habitual overbearing manner is one complex thing, which cannot admit of proof by parcelling out it into many things." His illustration of this truth is simple and perspicuous. It is, adds he, just "as the colour of a man's hair is known by one complex view of it, and not by a particular examining of the several hairs †." I defy the pannels, with all their art of cavilling, to disprove this. No doubt they will, in their usual manner, allege that whatsoever thing is complex, be it one thing, or the half of one thing, must certainly consist of particulars; and that no practice can be in law denominated a HABIT, but such as consists in a variety of repeated acts. But this is as trifling as it would be to allege, that a jury ought not to find a notorious rogue guilty of being by *habite* and *repute* a thief, because perhaps his M——'s *Adulice* cannot condescend upon a particular instance or two of his stealing. For, as the Rev. Mr Gib observes, "it is well enough known, that a general article of this sort (that is, a habitual overbearing manner) can be established by the verdict of a jury in *criminal causes*; where it would be reckoned ridiculous, to insist for the jury to support such a general verdict by *particulars* †."

\* Presuming to pay stipend-money to the Rev. Mr Gib.

† *Refuge*, p. 74.      † *Ib.* p. 144.

I entirely agree with the Rev. Mr. Gib, in his doctrine with respect to the practice of juries. At the same time, I must acknowledge, that the practice of law has degenerated so much of late years, especially since the union of the two kingdoms, that juries proceed in the quite contrary method. For now-a-days our juries are so ridiculously scrupulous, that were his M——'s ~~Advocate~~ to call them to pass on a pannel, on the grounds of a general indictment of *habite and repute* only; it is an hundred to one, but that they would return a verdict, finding the pannel *not guilty*; merely because some trifling particulars of the crime alleged against him, were not expressly mentioned in the libel. Yea, so whimsical are juries become, that nothing less will serve them, than a special and circumstantial account of all the minutest particulars of a capital crime, such as year, day, date, place, witnessess, and other trifling particulars; yea sometimes the very instrument with which a deadly crime is committed, must be presented before them. I remember a particular instance of a trial for theft, which may serve as a sample of the conduct of modern juries. The pannel had stolen a horse, which was restored to the owner, who happened to live at a great distance from the place of trial; and what was more unlucky, the poor horse had by this time paid his debt to nature. But although one would have thought that this same circumstance might have excused the horse's personal appearance in court; yet *the good and lawful men of the jury* would not pass upon the pannel, until the skin of the same identical horse was drawn out of a tan-pit, and brought forty miles distance, and presented in open court. But these were far better days, about an hundred years ago, both for the law and the lieges, when juries, according to Mr. Gib's doctrine, would have returned a special verdict against a pannel, upon a general indictment, without troubling either their own heads, or those of lawyers, about such trifling particulars of his crime. These, no doubt, are the glorious days of laws and liberty which that gentleman refers to.—I am aware of the definition which a certain gentleman of the robe has given of a capital indictment, in an advertisement prefixed to the trial of the Watts. “ Every indictment,” says he, “ contains—a detail of those circumstances, by which the truth of the fact, that is, the guilt of the person accused, is to be made evident.” But this is but a definition of a *modern indictment*, and makes naught against my argument, as it says nothing to what the *ancient* practice in

Scotland was in criminal courts, when the law shone forth in all its splendor and meridian glory. For this same gentleman is obliged to acknowledge, that juries were on a different footing in Scotland, before the union of the nations, than they have been since; which is a material confirmation of Mr Gib's doctrine as well as my argument.

But it was reserved for the history of the year 1765, to afford a complete instance of the behaviour of *modern* juries, in the case of Alexander Goldie, Esq; of Mains, Writer to the Signet. Upon the application of certain persons, an inquest was held upon that gentleman, and the jury retoured a verdict to the chancery, finding him of an unsound mind, and disordered in his judgment \*. In consequence of this extraordi-

\* *Names of the jurors appointed for inquiring into the furyosity, &c. of Alexander Goldie, Esq; of Mains, Writer to the Signet.*

S—r D—d D—e of H—s, B—t, now one of the L—s of C—l and S—n.

Patrick Murray, Esq; of Cherrytrees, Advocate.

David Ross, Esq; of Inverhaulby, Advocate, one of the Principal Clerks of Session.

John Douglas, Esq; the younger of Tilliquhilly, Advocate.

Mr William Alston Writer to the Signet, Deputy-auditor of his Majesty's Exchequer.

Mr John Smith,

Mr William Hay,

Mr Alexander Orr,

Mr David Craigie,

Mr David Campbell,

Mr John Chalmer,

Mr Charles Gordon,

Mr John Gray, and

Mr John Gordon,

Mr John Steuart Writer in Edinburgh.

S—r D—d D—e, Chancellor.

} Writers to the Signet.

*Copy of the verdict of the jury. 11th March 1765, post meridiem.*

The before-named persons of inquest, having considered the briefe and claim signed by George Goldie, Patrick Heron, and Robert Maxwell, with the depositions of the witnesses adduced, haill printed papers and writings produced, together with all the other procedure had thereupon; and they being therewith well and ripely advised, they, the laid persons of inquest, FIND, That the before-designed Alexander Goldie is, and has been since the 26th day of November 1764, of an unsound mind and disordered in his judgment, with lucid intervals, but not such as to render him fit to manage his own affairs; and that he has been prodigal and extravagant in his expences since the said 26th day of November 1764; and that Charles Goldie mariner, at present forth of this kingdom, is his immediate younger brother german and nearest agnat, and is past twenty-five years of age: but whether the said Charles Goldie is a prouident person, and fit to manage his own affairs or the affairs of others, to this inquest does not appear. And this they desire to be retoured to the chancery.

(Signed)

D—d D—e, Chancellor.

nary sentence, Mr Goldie was confined to a garret-room in the Royal Infirmary ; where he might have starved to this day, on bread and water, if a happy expedient for effectually restoring his character had not luckily occurred to him. Having understood, by good information, that the Rev. Mr Adam Gib was an excellent judge of men from the MANNER of their deportment, and the aspect of their countenances ; he resolved to have recourse to him, for vindicating himself from the injurious sentence passed upon him by the foresaid jury. Accordingly he made his escape from the Infirmary, and took sanctuary in Mr Gib's house, where he continued for the space of 57 days ; during which time he behaved in such a prudent and sedate manner, that Mr Gib wrote a very ample letter commendatory, reversing the sentence of the said jury, and attesting the soundness of Mr Goldie's judgment, which he addressed to John Baker, Esq; of Newcastle. From this remarkable letter, I shall, with the leave of the gentlemen of Mr Goldie's jury, demonstrate the errors of their verdict \*.

The Sheriff interposes his authority to the before-written verdict. Whereupon the before-designed George Goldie, one of the claimants, for himself and the other claimants signing the claim, took instruments.

(Signed)

J. BALFOUR.

\* Second Edition, with Amendment—NO WONDER—and Additions.

LETTER from the Rev. Mr ADAM GIB, to JOHN BAKER, Esq; Newcastle.

SIR,

Though I have not the honour of any personal acquaintance with you, yet the humane and Christian sympathy with Mr Alexander Goldie, which I have seen expressed in some of your letters, makes me presume upon troubling you with the following account of him.

Having made his escape from his confinement in the garret of the Royal Infirmary on the 27th day of March last, about one o'clock in the morning, he was most unexpectedly brought into my house about half an hour after four o'clock — and so that neither I nor any of my family knew who he was, till he informed me, upon my going to see him about half an hour after ; in a bed where he was laid : yea so great a stranger was he to me, that I cannot recollect my having ever seen his face before. He has now been 57 days in my house, attended by his physician and surgeon, and for some latter part of the time by another physician likewise ; under all the care which I was capable of exercising. During all that time, I have been daily with him ; every morning and evening, and frequently in the course of every day : so that, besides many short interviews for inquiring how he was—I suppose I have been above 200 times engaged in various conversations with him, frequently pretty long. In all this intercourse, my attention was not so much turned upon the matter of the conversation, as upon the MANNER of conversing ; for I really acted as a sort of SPY upon him, according to the nicest criticism which I could use, with regard to a judgment which had lately passed upon him, as unsound in mind and disordered in judgment : while he seemed to act with all manner of freedom, always laying himself quite open, according to his natural disposition. And I shall now, with all plainness and ingenuity, express my sentiments upon the whole.

That Mr Alexander Goldie cannot be in a state of fury or madness, is abundantly evident, even from the account which Mr Gib gives of his temper and disposition towards the

I found Mr Goldie to be a man of *uncommon vivacity in his natural temper*: so that I readily conclude, (not from the observations which I have had occasion to make upon him, but from the nature of his disposition), that *he may be liable, on particular occasions, to some excess in fits of passion, strength of expression, frolic, or whim*: but I have not been able to discern any one instance in his case,—of any thing which I can suppose was ever meant by unsoundness of mind, or disorder of judgment, not the smallest incoherence of thought or expression, not the smallest mistaking of imaginary for real things, not the smallest incapacity for prosecuting any rational discourse. Yea, I am confirmed in the opinion, that *his real character stands at some uncommon distance from any such unsoundness or disorder*; and this from the following considerations:

1. From the terrible bruise which he got by a fall,—making his escape out of the Infirmary, with the stoppages and strangury which followed,—he has gone through a scene of agonies in my house,—far beyond what I was ever a witness to, in any other person; far beyond my powers of description, for communicating a just idea of. And, for about the first two weeks, he slept so seldom, and for so few minutes at a time—that I think, putting all together, he had not three hours sleep upon the whole; yea, such pain and watching both then and afterwards, (with so little nourishment of any sort), have I seen him endure, as I supposed would have made the most part of men delirious.—But, amidst all, I have never observed the smallest wavering of his judgment; which makes me to look upon him as *a man blessed with an uncommon strength of brain*.

2. He has borne all this agony of distress, with a singular fortitude of spirit. Two or three times, indeed, when he thought the appearances of his recovery were failing, he was like to succumb into a melancholy state; but he soon recovered himself,—behaving, almost all the time, without discouragement, fretfulness, or impatience: yea, he has behaved, amidst all his distress, *with a Christian rationality, in expressions of submission to the divine pleasure*; speaking of it as the will of God, that he should so suffer and endure, which he desired to comply with.

3. Through all the agonies I have seen him in, *I have never heard him utter one term of resentment against any of his adversaries,—or any who have had a hand in reducing him to his late and present condition*. On the contrary, I have heard him say, under his most excruciating pains, that he could not wish any of his adversaries to suffer as he was doing; and, at other times,—that he *would not, for the kingdom of Scotland, use them as they had used him*.

Upon the whole, I cannot help thinking, that every person in the world, not of a phlegmatic constitution, might, with as little prejudice to truth and equity, be reckoned unsound in mind, and disordered in judgment,—as Mr Alexr Goldie, during my acquaintance with him. And if he was such a man before as I have seen him, (which his physician and surgeon, with some others, have assured me of), I could not but consider the judgment lately passed upon him, with all the managements relating to it,—*as a very shocking outrage, even upon the common rights of human nature*. And, upon this supposition, what should one think of the farce which has been acted upon him! of the sacrifice, for the gratifying of some prejudices or passions,—which has thus been made, of his character and business, his liberty and health, his estate and family!

I may further observe, that though the alarm which was inevitably given about getting him into my house, with several other circumstances concurring afterwards, have made his concealment known to above 60 persons in this place; and though he has been visited, not only by the physicians and surgeon, but also by his wife and children,—and several other friends; yet, for any thing that appears, the matter has continued a dead secret to all his adversaries; and *the keeping of such a secret, so long, among so many persons,—is looked upon as what cannot be well accounted*.

gentlemen of the inquest themselves. Mr Gib declares, that he never heard him utter one term of resentment against any of his adversaries,—or any who had a hand in reducing him to his late and present condition. Now, the peculiarity of Mr Goldie's present situation is entirely owing to the verdict of the said jury concerning him: and yet, as Mr Gib expresses it, the said Mr Goldie *would not, for the kingdom of Scotland, use them as they have used him.* Does this meek, forgiving spirit breathe any thing of insanity or fury? So far from it, that I cannot conceive a stronger evidence of Mr Goldie's being in his right mind, than his forgiving his enemies. Did not a certain clergyman, even in the news-papers, pronounce Bleau of Castlehill a penitent; and yet, for aught I can learn, he had no other evidence of this, but that the said Bleau, on the scaffold, forgave his jury who had found him guilty of deliberate murder? Mr Gib had surely the very same reason to declare, that Mr Goldie was of a sound mind, when he heard him so generously forgive the gentlemen of the inquest, who had pronounced him in a state of insanity and madness.

It is extremely hard to stigmatize every little peculiarity of a man's temper with the opprobrious name of madness. Alas! who could be safe, if every man's agnat or nearest of kin had it in his power to call a jury upon him, for the sake of some

*ed for, but from the general odium which the usage he has got lies under, among the disinterested people in this place.*

To conclude, it gives me great pleasure, now when Mr Goldie is going from my house, that he has so real and valuable a friend before him in Newcastle.—I am,

S I R,

Edinburgh, May 22.

Your affectionate and most obedient servant,

1765.

A D A M G I B.

P. S. If you have occasion to honour me with a letter, please direct for me, minister of the gospel, at my house in Alison's court, Potter-row, Edinburgh.

Newcastle, March 21. 1768. The original letter lies presently in A. Goldie's own hands at Newcastle. It did lie with the person to whom addressed, for many months, and was recovered (after being long lost and amissing) and brought to A. Goldie on the 7th inst. and no sooner.

N. B. A. Goldie did continue in the worthy Mr Gib's house till the 26th of May 1765.

A. Goldie intends to set up a PRINTING-OFFICE at Newcastle upon Tyne, and to publish there a weekly NEWS-PAPER, *pro bono publico*, containing WONDERS—though NO WONDERS—and some Queries, &c. &c. &c.

N. B. Mr Alexander Goldie transmitted the above letter in print to most of the royal burghs in Scotland, and to many private gentlemen also, as an ample vindication of his character, from the cruel sentence of insanity and fury, pronounced upon him by his jury.

trifling foibles in his natural disposition ? Mr Alexander Goldie, as the Rev. Mr Gib observes, is a man of *uncommon vivacity, and perhaps may be liable, on particular occasions, to some excess in starts of passion, strength of expression, frolic, or whim.* But I beg leave to ask the gentlemen who called the jury on Mr Goldie, if they have never had their own whims, and frolics too ? Have they never been surprised into starts of passion, and perhaps used an energy of expression, not so consistent with the exact rules of propriety ? These gentlemen will, it is probable, not chuse to answer these interrogatories ; but I will convince them of the impropriety of their conduct to Mr Goldie, by the following supposition. The Rev. Mr Adam Gib acknowledges, that he himself is liable to a particular vehemence of expression, on some occasions \*. Let it then be supposed, that these same gentlemen were nearest of kin to Mr Gib, (which thanks to his stars they are not), what, I ask, would they do in such a case ? If we may judge of what they might do from what they have done, they would no doubt apply to the chancery for a writ of furyosity against him, and perhaps, in these corrupt times, procure a packed jury too, that would, from his own printed papers, pronounce the same sentence upon him, which was so unjustly passed upon Mr Goldie. But Mr Gib has reason to rejoice, that he has no connection with persons of such a cruel temper and disposition.

Mr Alexander Goldie is a gentleman whose true character has more of the *saint*, than the madman in it. This is evident from his patience and resignation, in the midst of a series of extreme trouble ; in which, as Mr Gib informs his correspondent, Mr Goldie behaved with a *Christian rationality, in expressions of submission to the divine pleasure.* If this then was the case, as there is no reason to doubt but it was, how could a jury, with any shew of justice, find and declare the said Mr Goldie to be in a state of insanity, unless it was because his *rationality* was of the *Christian*, and not precisely of the law kind ? Sure I am the character which Mr Gib gives of that gentleman's piety is such, as might have entitled him (had he been a clergyman) to Mr Gib's own pulpit. And I doubt not but Mr Gib could have allowed him this honour, with as much safety of conscience, as he wrote his famous letter of recommendation in Mr Goldie's behalf. There is many a saint whose name

\* I knew myself liable, upon a course of reasoning, rather to exceed in vehemency and force of expression. *Refuge, &c. p. 84.*

stands in red capitals in the Roman calendar, whose piety and rationality never were half so well attested, as that gentleman's is by the Rev. Mr Adam Gib.

But I must be permitted to observe, that Mr Goldie is so far from being in an insane state of mind, that *his real character*, as Mr Gib observes, *stands at some uncommon distance from any such unsoundness or disorder*. The proof which Mr Gib adduces in support of this truth is so demonstrative, that if any reader shall be so incredulous as not to admit the evidence of it, I only desire him to make the following experiment. Let him go to the Royal Infirmary, and from any of the garret-windows thereof, which shall seem to him most convenient, let him leap to the ground. Having done so, let him rise, if he is disposed to do so, and repair to the house of the Rev. Mr Adam Gib, and go to bed there; where, for two full weeks, he must sleep only the space of three hours. Then let an inquest be held upon him, to determine whether he is *compos mentis* or not; and I doubt not but they will return a verdict, finding and declaring him to be in a state of fury. Yet Mr Alexander Goldie literally performed all these exploits; and after he had done so, Mr Gib, with all his penetration, could not discern the least wavering of his judgment; from which he very justly concludes, that Mr Goldie is a *man blessed with an uncommon strength of brain*. Perhaps it may be alleged, that as the jury pronounced their sentence on Mr Goldie on the 11th of March, and as Mr Gib did not see him until the 27th of the same month, that he might be insane at the one time, and yet have recovered the use of his reason before the other. I confess there may be some grounds for the objection: for Mr Gib informs Mr Baker, that Mr Goldie received a terrible bruise by a fall, in his escape from the Infirmary. I have heard of persons losing the exercise of their judgment by such accidents; and I will not take upon me to determine, but some others have been restored to the use of theirs by the very same means. But there is no reason to conclude, that there was any alteration as to Mr Goldie's judgment, from the one period to the other, either to the better or the worse; for both his physician and surgeon who attended him, informed Mr Gib, that he was as much in his right understanding when he stood before the jury, as when he resided in Mr Gib's house. This consideration led that gentleman to consider the judgment

passed upon Mr Goldie, by the said jury, *as a very shocking outrage even upon the common rights of human nature.*

The question therefore to be determined is, Whether the public ought to form their judgment of Mr Goldie's soundness of mind, from the verdict which the gentlemen of the inquest retoured to chancery concerning him, or from the verdict which the Rev. Mr Gib has given of that gentleman in his letter to John Baker, Esq;? For my part, the gentlemen of the jury must forgive me, when I declare, that I am obliged to consider the account which Mr Gib has given of that gentleman, as a true and just estimate of the real state of his intellects. The following reasons have determined me in this matter; and as they may be useful in determining the judgment of some others also, to give the preference to Mr Gib's verdict concerning Mr Goldie's soundness of mind, I shall briefly repeat them.

1. It does not appear to me, that the gentlemen of Mr Goldie's jury were properly qualified for judging, whether he was in a state of insanity or not. I know indeed, they understand law; but I beg leave to question, if they thoroughly understand physiognomy. Such of these gentlemen as I have the honour to be familiar with, have, I know, no pretensions to this science. How then could they be competent judges in a cause, the determination of which turned entirely upon the principles of a science to which they are utter strangers? They proceeded, as they inform us, in their verdict, upon the *depositions of witnesses, papers, writings, &c.* and from these they inferred, that Mr Goldie was in a state of insanity; but the Rev. Mr Gib proceeded in quite a different manner. Being a thorough adept in the art of physiognomy, and able to judge of mens morals and dispositions from their faces, he very justly concluded, that he might, by the same infallible rules, judge of the soundness of their intellects, with as much certainty in the one case, as he had often done in the other. Accordingly, as he informs Mr Baker, *he really acted the part of a SPY upon Mr Goldie for fifty-seven days, according to the nicest criticism which he could use, with regard to the judgment which had lately passed upon him, as unsound in mind, and disordered in judgment.* The result of such uncommon attention was, that Mr Gib had the most satisfactory evidence, from the lineaments of Mr Goldie's face, of the soundness and rectitude of his understanding.

2. I cannot help thinking that the gentlemen of Mr Goldie's jury proceeded with too much precipitancy in their judgment concerning him. I observe indeed they say in their verdict, that they did *well and ripely advise* this affair. But I beg leave to consider these expressions as vague and undeterminate. For I observe their verdict is dated *POST MERIDIEM*; which plainly intimates, that they only spent the half of a day, in cognoscing this serious and important cause. Pray what knowledge can the most sagacious persons attain of the state of any man's understanding, from half a day's conversation with him? Mr Adam Gib did not retour his verdict of Mr Goldie to John Baker, Esq; until that gentleman had been fifty-seven whole days in his house; during which space he held two hundred interviews with him, which were frequently *pretty long*, besides many short ones, for inquiring how he was. The caution and deliberation with which Mr Gib proceeded in forming a judgment of the true state of that gentleman's mind, is a very remarkable contrast to the behaviour of the gentlemen of the inquest, who hardly spent half a day in determining the same affair. Two hundred visits to Mr Goldie in the space of fifty-seven days, and some of these *pretty long too*, will, upon exact calculation, be found to be at least an hundred degrees of more attention to that gentleman, than his jury ever paid to him, even when they declared him in a state of insanity. Besides, it ought to be observed, that the gentlemen of the jury formed their judgment of Mr Goldie, from the MATTER of his behaviour, without attending to the MANNER of it. But in all Mr Gib's two hundred interviews with that gentleman, his attention, as he informs us, *was not so much turned upon the matter of the conversation, as upon the manner of conversing*. Now, it is well known, that some persons may appear to great disadvantage, as to the MATTER of conversation, who can acquit themselves, with a very good grace, as to the *manner of it*. To this I must add, that the edification and pleasure which Mr Gib received in these frequent interviews with Mr Goldie, is to me a convincing evidence of his being in his right mind. For would the Rev. Mr Gib have spent so much of his precious time (as two hundred visits in fifty-seven days, besides morning and evening compliments) in conversing with a downright madman? No: as Mr Gib justly observes in another case, such an imputation would have been not a whit more unjust, than if the pannels had raised a cry against the said Mr Gib *through*

*London, when he was there, (as he expresses it), on the back of the last rebellion, for getting him instantly destroyed, under the notion of his being the pretender come up in disguise \*.*

3. I beg leave to suggest an exception against a part of the evidence, upon which the gentlemen of Mr Goldie's jury declared him insane; and that is, *the haill printed papers* produced before them; by which, I suppose, they chiefly mean the various and entertaining printed papers published by the said Mr Alexander Goldie. Alas! to what a poor pass would the state of learning be soon reduced, if every honest gentleman, who favours the public with his thoughts in print, were to have a jury called upon him, in order to determine, whether or not he was in his right wits? Would not this be the boldest encroachment that was ever made on the *liberty of the press?* Yea would it not be a dangerous infringement of the liberty of every British subject, who, in virtue of *magna charta*, is entitled to the valuable privilege of printing as well as speaking nonsense, even against CROWNED HEADS? It was no doubt the glorious stand which John Wilkes, Esq; made in defence of this inherent and fundamental right of the subject, that recommended him to the worthy electors of the county of Middlesex, as a proper person to represent them in the ensuing parliament. It is true, Mr Goldie did, in various instances, lend a helping hand to the reformation of this degenerate nation, through the channel of the press: but even supposing that, in these writings, he had made a slip or two in the punctilios of grammar or common sense; yet it was in matters only which had no manner of connection with his calling and profession; consequently it was very hard to pronounce him in a state of insanity, for such mere trifles. I beg leave to declare, that if juries are to be called upon us who are authors, and are to find and declare blunders either in sense or grammar, an evidence of madness and furyosity; in such case, I would rather stand the most rigorous trial, at the tribunal of the Monthly Reviewers, (and so I presume would the Rev. Mr Gib also), than at the bar of an inquest who proceed upon such whimsical principles. For although these gentlemen might have a abundant reason to declare our writings full enough of insanity and furyosity, yet I am persuaded they would leave our persons in full possession of all the little understanding we presently enjoy, and suffer us too to manage our own affairs as we have a

mind. Perhaps it may be objected, that Mr Goldie's conduct of late is an undoubted evidence of his insanity. But I ask, what instance of that gentleman's conduct, either formerly or of late, can be justly viewed in this light? It is true, he has sometime ago retired to Newcastle upon Tyne, and advertised the public, that he is to set up a printing-press there, and publish a weekly news-paper, *pro bono publico*, containing WONDERS, though NO WONDERS. But will the gentlemen of Mr Goldie's jury allege, that this is any evidence of his incapacity or disorder of mind? With the same justice they may affirm, that Mr Wilkes's setting up a printing-press in his own house in Great George-street, London, and publishing there, every true English man's political prayer-book, the *North Briton*, was an evidence of his being in a state of madness and insanity. I cannot help declaring, that upon these principles, and with as much reason too, the gentlemen of Mr Goldie's jury might have returned a verdict of *furiosity* against that heroic champion of English liberty; and I doubt not but they would have been hardy enough to have done so, had it been that gentleman's misfortune to have had them called as a jury upon him.

4. The judgment which the Public formed of the sentence of Mr Goldie's jury, is a very convincing evidence of the error of it. The Public are seldom all in a mistake, at one and the same time. When the famous Captain Porteous was hanged by the mob, it is certain there were some hundreds of persons in the secret of the contrivance of that action; yet neither a royal proclamation, nor the offer of a very handsome reward, were sufficient to influence any of the persons concerned to reveal the secret; which was supposed at that time to be owing to the *general odium* which the said Porteous justly lay under. When Mr Goldie took refuge in Mr Gib's house, his concealment there was known to above sixty persons: and though he was visited there not only by his physicians and surgeon (gentlemen not remarkable for keeping secrets), but also by his wife and children,—and several other friends; yet, for any thing that appears, the matter continued a dead secret to all his adversaries; and, as Mr Gib justly observes, *the keeping of such a secret so long, among so many persons,—is looked on as what cannot be well accounted for, but from the general odium which the usage he has got, lies under among the disinterested people in this place.* Thus it appears, that the verdict of the gentlemen of

inquest, declaring Mr Goldie in a state of fury, is condemned by the infallible sentence of that great tribunal the PUBLIC VOICE; and I make no doubt, but that it was owing to his conduct in this same affair, that sometime afterwards their C—r fell so far under the R—l displeasure, as to be rendered incapable of ever afterwards fitting in any inquest or jury: and I hope some others of these gentlemen will, in due time, meet with the like condign punishment.

That the pannel T—s K—r might have all the advantages which law or equity can allow any in his circumstances, Mr Gib generously allowed him the privilege of leading exculpatory evidence, by calling upon every person of his acquaintance to appear in his behalf; and if they could in conscience acquit him of habitual superciliousness and browbeating, the said Mr Gib readily engaged, that in such case he would pass from this article of the indictment \*.

It is true, Mr Gib excepted against sustaining either the pannel's wife, children, or servants, as exculpatory witnesses; and for this good reason, that the law supposes, that such persons cannot truly purge themselves of partial counsel. But though the pannel was restricted in his exculpatory proof, with respect to his immediate connections and dependents; yet surely he could not in justice complain, that he was hampered within too narrow bounds, in point of witnesses; for Mr Gib allowed him the whole broad world besides, and generously declared that he would rest the whole matter upon the evidence of one single person, male or female, who could acquit the pannel of the crimes of habitual overbearing and browbeating. But, to this day, he has neither produced the one nor the other to Mr Gib, whatever ways and means he has privately used to procure such. Which, I cannot help observing, does much honour to the inhabitants of this great metropolis; for had he lived in a certain other great city of this kingdom, I doubt not but he might have found abundance of witnesses, even to attest this as well as some other manifest falsehoods.

If it were possible to force a blush into the cheeks of such obdurate offenders, as the pannels are, I would expect to hear

\* Besides, the offer that I made was a good deal fairer than he represents. I offered to drop all complaint on that head, if he could get any one person, male or female, of familiar acquaintance with him, out of his own family, (the members of which I did not offer to involve), and on whom he had no dependence in his secular affairs,—who would solemnly declare, that they knew nothing about his having any thing remarkable of such a turn. *Ref. p. 83.*

that their countenances were covered with confusion, when reading the following story. There chanced to be a great physiognomist at Athens, in the time of Socrates, who had made strange discoveries of mens tempers and inclinations by their outward appearances. Socrates's disciples, that they might put this artist to the trial, carried him to their master, whom he had never seen before. After a short examination of the philosopher's face, he pronounced him the most lewd, libidinous, drunken old fellow that ever he had met with in his whole life. The young gentlemen were ready to triumph over the poor physiognomist, as a mere blockhead; when Socrates gravely interposing, very ingenuously acknowledged, that he was naturally inclined to all these several vices, but that he had conquered them, by the dictates of philosophy.

Here is an instance of candour and humility, which may well put the pannels to the blush. Do they know that this same Socrates was a Heathen; and yet how meekly and candidly does he acknowledge that his countenance was a transcript of his particular dispositions, even although these were not very much to his credit? For all the trouble and pains which Mr Gib has been at with the pannels, yet could he never bring them the length of this same poor Pagan. If any thing after this could aggravate the guilt of the pannels, it is their obstinate and peremptory refusal to acknowledge the truth of Mr Gib's charge against their faces; even after he had caused his elders fit as a jury upon their countenances, and bring in a general verdict against them, of habitual overbearing and browbeating \*.

#### A R T I C L E V.

THAT you the said pannel T——s K——r, without any injury or provocation whatsoever, did contemptuously vilify and disparage the oratorial abilities and qualifications of Mr John Robertson minister in the Associate congregation at Dalkeith; by vilely attempting to vindicate your own nauseous and profane airs, by a comparison of these to the edifying and inimi-

\* My capital prosecutor had his brethren of session for a sort of jury, as to this article; a most competent jury,—some of whom, at least, he could not but own among his firmest friends: and yet all of them, (except the second libeller, who was a party, the last then concurring with all the rest of his brethren,—according to the account formerly given), to the number of thirteen, concurred in the verdict, that he had reason to acknowledge something habitual of such a manner of behaviour. Ref. p. 144.

table *manner* of the said Mr Robertson \*. That this your crime was aggravated, by the open insult you committed upon his person, in bawling out before a multitude, “ Mr Robertson, “ *I beg your pardon* † ;” intending maliciously thereby to represent him as a trafficker in the trade of pardons.

### I L L U S T R A T I O N.

THIS article consists of two parts. 1. The pannels are charged with disparaging the manner of the Rev. Mr Robertson. 2. With committing a gross and outrageous insult upon his person. As to the first of these, it is necessary to settle the proper limits of this part of the indictment, by distinguishing between the *matter* and the MANNER ‡ of the pannel's behaviour in this instance. It is to be observed, then, that the criminal part of their conduct, for which they are indicted by this article, consists in the MANNER, and not the *matter* of their deportment; that is, in vilifying the MANNER of the said Mr Robertson. No thanks to the pannels, that they did not disparage his *matter* also ||. Their crime is not a whit the less extenuated by this consideration; for had they found MATTER to work upon, it is believed, they would have treated it in the same profane, rude way, in which they dealt with his MANNER; which he very justly pronounced to be no less than a tearing his character to pieces. Perhaps there was never a more unjust and insolent charge advanced, than one of the pannels thought fit to exhibit against that gentleman. Such was his ef-

\* Mr Robertson addressed Mr K——r to this effect: “ Mr K——r, it is not the *matter* of any thing you have done that is offensive, but the *manner*.” To which Mr K——r replied, “ Pray, Mr Robertson, tell me what is it in my *manner* “ that offends so much? I believe every body has their own particular manner of “ acquitment; for example, I have heard many a *good sermon* delivered in a very “ *disagreeable manner*.” *Read. of Prot* p. 31.

† It was impossible to tell (though pretended in the libel) what Mr Robertson said, because he was not allowed to finish one sentence, having been continually interrupted by the first of the parties; while the interruptions were followed by repetitions of these words, uttered in a sneering laugh,—“ I beg pardon, Mr Robertson.” *Ref. p. 78.*

‡ Had it been the *matter* of his behaviour that was found fault with, a calling for particular instances would have been very proper: but to call for particular instances to prove something habitual of an overbearing *manner*, was very absurd. *Ib. p. 74.*

|| It is evident, that the acknowledgment which I required,—wholly and merely respected the *manner* of his behaviour: whereas the acknowledgment which I am laid to have required, and that by a pretended quotation of my words,—wholly and merely respects the *matter* of his behaviour. Therefore it is absolutely false, that I ever required what I was now said to have done. *Ib. p. 88.*

frontery, that, by oblique insinuations, he alleged, that the said Mr Robertson had murdered many a good sermon, by his awkward manner of delivering it. I shall not take the advantage of the pannel, which his own words afford against him; by putting him to prove that these sermons were in fact good ones, which, by the by, might perhaps pinch him more than he is aware of. But I cannot help observing, that there is a degree of malevolence in this accusation, which strikes at the very vitals of character. Can a severer thrust be given a lawyer in the way of his business, than to say of him, that he has murdered his cause, and consequently his client? Can a more deadly wound be given to the reputation of a physician, than to allege that he has killed *his* patient? The injury done to Mr Robertson is of the very same nature, in the way of his profession. But the pannel in this instance of calumny, as in many others, may be led as a witness against himself. For he has granted again and again, that Mr Robertson is, as he calls him, a mere *tool* and *dupe* to Mr Adam Gib. If it is so then, how can he charge him with the horrible crime of murdering sermons, or any thing else? Whether is it the tool or weapon that sheds blood, or the person that holds and directs it, who is reckoned in law the murderer? Perhaps he means to land this charge at last upon the Rev. Mr Gib; and I doubt not, but this is the great secret of this invidious and malevolent accusation.

If any thing could surpass the hainousness of the crime charged upon the panneis, in the first part of this article, it is that which is condescended on in the second; namely, the horrible insult committed upon the person of the said Mr Robertson, by dark insinuations, that he maintained a criminal correspondence with that notorious strumpet, the whore of Babylon. It is observable, that all thorough proficients in the art of calumny usually take care to utter their scandal in such mysterious and ambiguous terms, as the law cannot properly take cognisance of. In exact conformity to this rule, and with a design as obvious as it was malicious, one of the panneis publicly addressed the Rev. Mr Robertson, in the character of the Roman Pontiff, by praying him, that he would graciously confer a pardon upon him. I defy the greatest masters in the art of defamation, to find me a parallel to this venomous and rancorous insinuation. Was it any thing less than defamation of the most injurious nature, thus to clap a triple crown upon

that good man's head, to fasten, in a forcible manner, the keys to his girdle, and then invidiously point him out to a Protestant rabble, as the Pope and Antichrist? There was certainly a mystery of malevolence in this instance of the pannel's conduct. I am able to show, that, by this thrust at Mr Robertson, he meant no less, than to stab the Rev. Mr Adam Gib in the very vitals. But a dark designing heart, like a dark lantern, sometimes betrays itself, by emitting an unguarded gleam, which discovers what is within. In like manner the pannel's hand has betrayed his heart, in this instance; for I am able to show it under his hand, and in print too, that he believes, and is persuaded, that Mr Gib is Pope in the Associate Synod; so that his defaming Mr Robertson as such, is only a stroke aimed at Mr Gib, through the sides of his friend. But the pannel in this has betrayed a shameful degree of ignorance. For granting that Mr Adam Gib was Pope, and Mr Robertson his *tool* or *dupe*; yet he ought to have known, that whatever tools his Holiness of Rome employs, he can neither have a dupe, nor a deputy, in quality of a representative; for this good reason, that he is but a representative himself, and some are pleased to say not of the fairest original \*. Representation cannot properly be delegated.

But the malicious calumny of the pannels still looks much farther than all this. I will therefore open the iniquitous scene, and exhibit it to the world in all its horrible colours. By af-

\* Here is an example of modesty, which I heartily wish some of our young gentlemen at the bar would condescend to imitate. The tenderness with which the author speaks of the d—l himself, who (as Mr Gib observes) justly deserves his due †, is designed, I suppose, by way of rebuke to those learned gentlemen, for the unaccountable freedoms which they are sometimes pleased to use with private characters in their pleadings. I can see no other design which the author could have in this remarkable instance of delicacy: but malice is capable of wresting the plainest words. The author had a sample of this truth, when reading this same paragraph to a friend, who gave him no other answer, than the following story. A client, said he, of a certain lawyer, having lost his cause, came to settle accounts with his counsel. The money he willingly paid in full tale; then addressing himself to the gentlemen of the robe: "Gentlemen," said he, "I expected, that, according to custom, you would in your pleadings have used some greater freedoms with the character of my antagonist, who is known for a notorious rogue, all the country over; if you could not procure me justice for my money, you might at least have given me pennyworths of scandal for it." To which one of the learned counsel very gravely replied: "For my part, I could not gratify you in this, and for this good reason, that I know not, Sir, but the very same gentleman who is now your adversary, may some time afterwards be my client."

† If they would make a devil of me, they might have remembered, that the devil has a due. Ref. p. 137.

firming that there is a pope in the Associate Synod, though they strike the blow at Mr Robertson immediately ; yet it is plain, they aim it at the Rev. Mr Gib ultimately, whom they expressly call the *Sovereign Pontiff* : which is their profane way of speaking of that supremacy, with which that worthy body of men have justly invested the person of the said Mr Adam Gib. Their malicious design in this calumny is neither more nor less, than to bring the whole Associate Synod, and their adherents, under the penalty of a *Premunire* ; which by the act *10mi Henrici*, ratified by the act *15ti Elizæ*, is declared to be high treason. For, by the said statute, it is pronounced to be treason or lese-majesty, for any subject to acknowledge the authority of a Pope or Sovereign Pontiff. And I dare say the pannels could not be ignorant, that, for this very crime, the famous Sir Thomas More, once Lord Chancellor of England, deservedly lost his head. It is manifest, then, that like another Nero, who wished that all the Roman empire had but one neck, that he might have the pleasure of striking off the head ; the pannels, by this cruel and invidious accusation, aimed a deadly blow at the heads of all the members of the Associate Synod, and their adherents.

#### A R T I C L E VI.

THAT you the said pannels, T—s K—r, A—w B—n, &c. in presence of the Rev. the Associate Synod, at least before a multitude of people, out of pure malice and evil intention, did most unjustly and injuriously commit the grossest abuse upon the person, credit, and character of the Rev. Mr Adam Gib, in manner now to be specified. IN SO FAR AS, that one or all of you the pannels foresaid, renouncing all regard to truth and verity, did take upon you to affirm, that, at a meeting of the Associate Session at Cross-causey, you were weary with hearing the said Mr Gib speak nonsense \* ; which false and malicious charge you uttered and published, in presence of many witnesses. AS ALSO, That you the said A—w B—n, &c. forgetting the reverence due by you to the said Mr Gib, did falsely and audaciously assert, that, on the

\* My prosecutors were allowed to proceed at great length, the foremost of them for above an hour at once, in virulent and defamatory exclamations against me. Without any synodical check, they treated me with the grossest abuse ; the first of them telling, that he had been quite wearied with *so much nonsense* as I was speaking in session upon the 19th of March. *Ref. p. 103.*

occasion foreshaid, or some other, Mr Gib threw out a deal of railing stuff: by which unjust imputation, you designed to fix the odious and undeserved charge of reproaching or reviling upon the said Mr Gib.

### I L L U S T R A T I O N.

HAD not the pannels renounced all regard to truth and verity, they had never perpetrated the audacious crime, with which they are charged in this article of indictment. There is not certainly a more delicate part, in which a man can be wounded, than the intellectuals. A thrust at these usually gives men, especially men of exquisite feelings, the most excruciating pain. As it is well known that Mr Gib is possessed of these in a very eminent degree, the barbarity of the pannels in wounding him in that sensible quarter, is the more cruel and inhumane. The truth of this will appear, if the import of the pannels crime in impeaching Mr Gib with speaking nonsense, is properly attended to. Speaking nonsense implies one of two things: first, a confusion of indistinct ideas in the mind, and an incapacity to express these, in their proper order and relation to one another; or secondly, not doing justice to the ideas and views of things formed in the mind, by disguising these under a mask of words, which really have no relation to them. But dare the pannels allege in sober mood, that ever they saw so deep into Mr Gib's mind, as to be able to discern, whether his ideas were confused, or if his words had a proper relation to them? Or can they infallibly determine, whether his expressions were a just or unjust transcript of his thoughts? They indeed pretended to "judge most expressly, what his mind was " filled with \*." But by what rules, I pray, did they determine this? whether by his words, his writings, or his actions? Whichever of these the pannels shall condescend upon, it will equally militate against them; unless they can prove, that words, writings, and actions, are a window which every man is bound to keep always open, that every impertinent fool may pry into his inmost thoughts. This would indeed be such an instance of indiscreet weakness, as neither Mr Gib surely, nor any man of ordinary prudence, will ever be guilty of.

I am able to demonstrate this from some of the highest ex-

\* Refuge, &c. pref. p. xi.

amples in public and polite life. But I must first observe, that there are not a more impertinent set of men on earth, than your peevish snarling philosophers. One of this stamp was so much out of humour, with what he called the disingenuous modes of intercourse among mankind, that he heartily wished, that every man with whom he conversed, had a window in his breast, and that it were in his power to lift the sash, and see all that passed within. Upon the supposition, then, that this ill-mannered proposal were to take place, (which, by the by, would be as great an instance of rudeness, as if every impertinent coxcomb might lawfully open the window of my house, and disturb the privacy of my family, by staring at what might be passing within); in such a case, I ask, what should become of the *arcana imperii*, which are so safely lodged in the breasts of our courtiers and statesmen? Must these noble repositories be thrown open, either by words or writings, for every prating fool to pry into? No: the safety of the nation, and the interests of government, require that the valuable contents of these great charter-chests should be never seen by vulgar eyes. And if the pannels will take upon them to affirm, that ever a true courtier or statesman was so unfaithful to his character, as to blaze abroad his inmost thoughts, by making either his words or writings an open window to them, I will not scruple to pronounce them guilty of *scandalum magnatum*. Therefore as Mr Gib is the same thing to the Associate Synod, that the greatest statesman (not excepting the E—l of B—e himself) is to the nation; it follows, by a parity of reasoning, that he is entitled to conceal his secret thoughts by any means which shall appear to him most proper. And even upon the supposition, that Mr Gib had spoken a little lively nonsense, (which, by the by, is not granted), by way of covert to shelter his thoughts, under it, from their profane observations; yet it is well known there may be a very great propriety in speaking nonsense, on some occasions; and perhaps in no instance more, than in the cause which Mr Gib had to combat with such unreasonable persons as the pannels.

But it is worth while to observe how artfully the pannels swell this malicious charge. They heard (if we take their word for it) Mr Gib not only utter nonsense, but *much nonsense*; yea they say, *they were wearied with hearing so much nonsense*. But I beg leave to question, whether the pannels are competent judges of what nonsense properly is. Did they never

hear nonsense spoken in some other place, as well as in the session-house at Cross-causey, and yet neither discerned it to be such, nor were weary of it? The pannels will, I presume, be at no loss to acknowledge the truth imported in this interrogatory. Therefore I may justly say in this case as Mr Gib does in another, which, as applied in the present instance, does no great credit to the pannels. "After all," says Mr Gib, "what strange conduct was it, to fall upon me with such a charge in their libel; while none of them had ever before stated any quarrel with me on that subject, *all the time they were under my ministry, and in session with me* \*?"

The second part of this article of indictment, is an instance of the most indecent abuse. One of the pannels as principal, and the other two as art and part, had the assurance to assert, that, upon a certain occasion, Mr Gib threw out a deal of STUFF. I cannot help observing, that the word STUFF smells so very rank of the compter, that it plainly discovers the absurdity and impossibility of the calumny couched under it. Does the Rev. Mr Adam Gib deal in stuff? whence, I pray, did he throw out this stuff? what kind of stuff was it? was it Darlington, Norwich, or Manchester stuff, which are the only stuffs of which the pannel is a proper judge? No: he says it was *railing stuff*; and in great quantities too, *a deal of railing stuff* †. If by this jargon he designs to charge Mr Gib with the ungentlemanly crime of railing either at mens persons or characters, I shall transcribe the following testimonial in his behalf, which I hope will be sufficient to disprove the pannel's malevolent insinuations.

"Whereas my worthy brother, the Rev. Mr Adam Gib, "has lately been most unjustly reproached, as a railer and re- "viler †; therefore I G—e W—d, A. B. from a convic- "tion of the falsehood of this invidious charge, do consider "myself as particularly called upon, in this public manner, to "declare, that I believe the said charge to be a groundless and "malicious accusation; for proof of which I refer the public "to a pamphlet, entitled, *A Warning, &c. against me*, by the

\* Refuge, p. 137.

† And the next of them [telling], that I was then throwing out a deal of *railing stuff*. *Ib. p. 103.*

† They lay their account with being treated, in my answer, "with all the railing speeches that malice and malevolence can devise." It would have been soon enough to take this for granted, after I had been found chargeable with some one instance of having ever treated any body after that manner. *Ib. p. 8.*

“ said Mr Adam Gib; where the reader will find such a sample  
“ of the spirit of meekness and delicacy, as will deservedly per-  
“ petuate the memory of that valuable performance.

(To be subscribed)

G—E W—D.”

I hope the world will allow the above testimonial all the weight which it justly deserves, in behalf of one who cannot charitably be supposed to be in concert with the other. Consciousness of innocence seldom fails to inspire generous minds with a noble disdain of the low and subtil assaults of calumny. Mr Gib may, from this same principle, bid defiance to the pannels; and in justice say of all that he ever wrote or spoke, what he so justly says of a part of his *Refuge of Lies swept away*: “ I can safely refer it to every reader, if (abstracting “ from truth or falsehood) there be one virulent or scurrilous “ word in the whole \*.”

### A R T I C L E . VII.

THAT you the said T—s K—r, &c. at a meeting of the Associate Session, the Associate Presbytery, or the Associate Synod, or all of these, did appear in the presence of the Rev. Mr Adam Gib, with all that daring audaciousness and insolent fierceness of aspect, so natural to you; and having taken your post directly against the said Mr Gib, with menacing looks, lifted arms †, (and probably with clenched fists too); you did intimidate and frighten him to the great hazard of his life, by putting him in fear thereof. And although you did not think proper to use your fists against his body, yet you cruelly wounded his tender spirit, with a worse weapon, that is, your venomous tongue, by declaring publicly, that his conduct in the affair of Leith would be to his lasting reproach; which was in effect threatening, that you yourself would procure ropes, and tie the Seceding meeting-house there, as a millstone around the said Mr Gib’s neck, and then plunge him into an ocean of infamy.

### I L L U S T R A T I O N.

THIS article respects the behaviour of the pannels on certain occasions therein mentioned, and, like most others, is prin-

\* *Refuge*, p. 55.

† My capital prosecutor [Mr K—r], with his hands lifted up at me, in a passionate and contemptuous manner, immediately upbraided me, most unjustly, with opposition to Leith affair; adding, that it would be to my lasting reproach. *Ib.* p. 67.

pally founded on the insolence and haughtiness of their countenances. This cannot be better expressed than in the words of the Rev. Mr Gib. " Whenever I began to open a mouth, " [i. e. as I humbly take it, his own mouth], before any could " know what I was going to say, I observed the four [i. e. the pannels, &c.] looking with some appearance of men taking " their post against an adversary \*." A hostile countenance is surely one of the most unquestionable evidences of an enemy's heart. Therefore it is both idle and invidious in the pannels, to ask how Mr Gib could know the secret dispositions of their hearts, from the aspect of their faces. This is as little to the purpose, as when they allege, that Mr Gib's own countenance has much the same cast as other mens, and may be liable to the same objections. For to bring the matter down to their own capacity, I must tell them, that Mr Gib is a fair trader, who deals in no contraband commodities, but always carries on an honest and open correspondence betwixt his forehead and his heart. Mr Gib's own words plainly prove this against them. " I could never," says he, " have a felt offence at any person in " my mind, without some appearance of it in my face and be- " haviour † ;" and I put the pannels to contradict this if they can. Upon this principle, therefore, Mr Gib had good reason to conclude, from the hostile aspect of the pannels faces, that they had a felt offence at him in their minds. And that he was not deceived in this, is obvious from the very attitude of one of the pannels; who daringly confronted him, and, as Mr Gib expresses it, " held up both his hands at him, with the utmost " signs of contemptuous mockery."

Had the pannel gone no further lengths than this, the consequences had not been so fatal. But, not content with brandishing his arms, in a way of contempt, he cruelly drew that deadly dagger, his tongue, and stabbed the Rev. Mr Gib in the vitals, both as a *gentleman*, a *Christian*, and a *minister* ‡.

I will not be surprised, if the reader is obliged to make a pause here.—It was the case with myself, when I read this astonishingly rude and cruel address of one of the pannels to Mr Gib, as to his conduct in the business of Leith congregation.

\* *Refuge*, p. 21.

† I was never ready to quarrel any body, for disrespectful usage of me. But I could never have a felt offence at any person in my mind, without some appearance of it in my face and behaviour, when I met with them. *Refuge*, p. 83.

‡ Was it acting like a *gentleman*? like a *minister*? like a *Protestant*? like a *Christian*. *Ib.* p. 54.

“ Was it acting,” said he with a SNEER, “ like a gentleman, a Christian, or a minister ?” Amazed at the barbarous cruelty of stabbing a person, at one blow, in three of the most delicate and sensible parts of character, I could not unfold the mystery and intention of it. At length, after long recollection, it occurred to me, that Mr Gib had acknowledged, that, in his conduct as to Leith affair, he had been influenced by *three different principles* \*. Then indeed I understood what was the horrible design and mystery of this threefold wound † ; namely, a deadly thrust at Mr Gib’s three principles of action, which, as he justly observes, though different in their nature, yet concurred in their end. Thus by attempting to deprive Mr Gib of three different principles of action, (which are the most that any man is influenced by at one time), they most iniquously intended to leave him no principles of action at all in that affair ; by ungentlemaning him, unchristianing him, and unministering him all at one blow.

But cruel and barbarous as their words were, they were gentle and agreeable, when compared with the malevolence of their looks. For, on that occasion,

*Up bolted K——r, breathing fury and war,  
With an aspect as fierce as a Prussian hussar.*

The Rev. Mr Gib gives the following striking account of his behaviour at that time. “ His words,” says he, “ were nothing compared with his *manner* of speaking, pointing at me, and diversifying the face and tone, with a furious and browbeating contemptuousness, which words cannot paint ‡.” In the history of the American bucaniers, mention is made of a certain pirate, (I have forgot his name), whose martial looks, it is said, very often did as much execution as his sword. Being naturally of a fierce and warlike aspect, it was his custom, at the beginning of a battle, to improve it, by sticking lighted matches in the corner of his hat, the locks of his hair, and the

\* My conduct in the whole affair, has been specially influenced by three different and concurring principles of action. *Refuge*, p. 46.

† But, after all, where is the Jesuitism of any one of those three principles, or of acting according to it ? And where is the Jesuitism of them all united, or of acting according to them all conjunctly ? Had I acted only according to the *first* of these principles, in a way of opposition to Leith affair,—or had I acted according to the *second*, in a way of passiveness or neutrality ; my conduct would have been indeed more simple. As I acted according to all the *three*, my conduct was more complex,—serving different, though not opposite purposes at the same time.

*Ib.* p. 47.

‡ *Refuge*, p. 54.

whiskers of his long tufted swarthy beard. Thus equipped, he spread terror and astonishment where-ever he came, by his very looks. I will not positively say, that the pannel, on the foresaid occasion, literally imitated the practice of this famous bucanier, by arming any part of his countenance with lighted matches, excepting his eyes; but it is all one in law, as if he had done so. For it is plain he did as much deadly execution with these, as if his whole body had been stuck over with lighted matches. Mr Gib had therefore good reason to affirm, that words cannot paint the furious and browbeating contemptuousness of the pannel. Yea, I much doubt if the limner's pencil could do justice to it: and could I have found any of that profession who could have taken off the pannel's face, with all its uncommon peculiarities, and presented these to the public on copperplate; I am sensible such a picture would have demonstrated to the world the truth of the various articles of indictment against him, in a more striking and satisfactory manner, than any arguments whatsoever. But by the time the second edition of this Trial shall be published, I hope to be able, if art can accomplish it, to present the reader with a portrait of all the pannels, at full length, by way of frontispiece to it. And, that the piece may be as complete as possible, I shall cause the engraver exhibit on the same plate, a view both of the Associate Session, and the Associate Presbytery, with a view also of the various insolent and offensive attitudes, in which the pannels stood before them; which, by the help of proper references by way of explanation, will throw very great light upon the various articles of superciliousness and browbeating, which have been so justly laid against them. I am sensible, that such a design will be attended with considerable expences, as neither the limner nor engraver will find it an easy matter to express the peculiar complicated characteristics of the pannels countenances. But as the open, plain, and ingenuous faces on the other part of the plate, will cost neither painter nor engraver much trouble; I expect, on this account, such an abatement of these artists usual fees, as will enable me to present the whole to the public, at the small additional expence of one penny.

The conduct of the first of the pannels was so shamefully insolent against Mr Gib, that the second, hardened as he is, could hardly keep pace with him on that occasion. Therefore though he expressed a general adherence to the whole of what

the first had said; yet he was obliged to add, “ that he did “ not mean to adopt every expression.” But this, like many other instances of his conduct, is but mere shifting, and that too in such a barefaced manner, that every one must, at first glance, see through the low and frivolous artifice. For be it so, that he did not think fit to adopt every *word* which the first of the pannels uttered; yet let me ask him, did he not publicly adopt all his pestilential and malevolent *looks*?—What is it to the purpose that he did not give his sanction to every trifling expression? Was he not *art and part* in his fellow-pannel’s sneering and insulting airs? did he not openly adopt his insolent browbeating manner of treating the Rev. Mr Gib, the most atrocious crime of the two? His pleading, therefore, that he did not agree to all the other pannel’s words, was but a pitiful instance of cunning, to shift off the charge; while he is forced tacitly to acknowledge, that he was guilty of the most atrocious and criminal part of it.

### A R T I C L E VIII.

THAT you the foresaid pannel T—s K—r, upon various occasions, especially upon one or other of the days of —, in the year —, did, with malicious and hostile intention, place yourself on a conspicuous eminence in the Seceding church at Cross-causey; and then and there did assault the Rev. Mr Gib and the Associate Presbytery with the most malevolent and pestilential looks; brandishing, all the while, a roll of paper in your hand \*, by way of cudgel; raising at the same time your arm, knitting your eyebrows, and working up your whole countenance into an aspect of terror. And that, in defiance of the established laws of decency †, you did pull out of your pocket a letter or letters, which you had received from the

\* The foremost prosecutor raised a bold cry against the representation which I then gave in, as stuffed with the grossest falsehoods and misrepresentations: and he insisted to have the paper, for pointing them out immediately. It was accordingly handed to him, where he stood conspicuous on a seat; and he immediately began to read it, as about to make strange discoveries of that abominable paper. But before he had got the first paragraph of it read out, he stopped,—for commenting upon what was read: and he then quickly turned off to a new working of his great engine, in a long and most abusive declamation against me about Leith affair,—the paper tossed in his hand all the time. *Ref. p. 104.*

† If the members of the Presbytery had not been surprised into some kind of fitness by the high *manner* of these men; they would summarily have turned them off from such interferences in their business as have been mentioned, and from such a place in their minutes. *Ref. p. 37.*

Rev. Mr Adam Gib, which you publicly presumed to read in a most irreverent and profane manner, by changing your tone, and diversifying the cadence of your voice.

### I L L U S T R A T I O N.

THIS article of indictment consists of a variety of instances of the most unparalleled abuse; or, as the Rev. Mr Gib more emphatically calls them, *particulars of a very gross nature*. These are excellently illustrated in a paper drawn by a committee of the Associate Presbytery, entitled, “ A representation of the “ gross insult and abuse which T——s K——r and A——w “ B——n have committed upon the said Presbytery, by “ the MANNER of their behaviour:” which, on the account of its clearness and precision, I have transcribed almost verbatim in the notes \*.

The first of the pannels having been cited before the said Rev. Presbytery, to answer to a charge of a very high nature; after knitting his brows, and putting on his usual supercilious airs, demanded, in a very magisterial tone, who were his prosecutors. It is not easy to determine, whether this demand was more impertinent than insolent; especially if it is considered, that the pannel was cited to answer to a flagrant charge of intended injustice; which was no less than a resolution, as Mr Gib conceived, of starving the said Mr Gib into a compliance with his detestable measures. His design therefore in this demand was plainly, to have either Mr Gib, or the whole Presbytery, turned to the door as incompetent judges. What else could be his design in bawling out, that if the Presbytery were his prosecutors, he hoped they were not also to be his judges? Why, I ask, might they not? Has he lived so long in the world, and does not know that a certain ecclesiastic court, of a much longer standing than the Associate Presbytery, sustain themselves, even in matters of life and limb, not only prosecutors, but judges, ay and witnesses also? It is a pity that the pannel was not for a little under the wholesome discipline of that famous court, to be properly instructed in the nature of ecclesiastic discipline. No doubt he will allege, that it is not the practice of civil courts, for judges to act the part of private prosecutors. But in this he betrays his ignorance

\* This representation is inserted at the end of the illustration of this article, *infra*, p. 45. 46.

to a wretched degree. For what is more common, especially in cases of perjury, or prevarication upon oath, before the H—h C—t of Justiciary, than to hear their L——ps give orders to his M——y's A——e to commence a prosecution against such persons as are guilty of these crimes? If then their L——ps order the prosecution, I beg leave to ask, are they not the prosecutors? And would it not look very odd, if any of these criminals should insist, that their L——ps were unqualified to be their judges, because, forsooth, they had influenced and authorised the prosecution against them? The cases are precisely parallel; but what shall I say? the stupidity and blindness of some men is truly astonishing.

But it is impossible for any person to conceive the insolence of the above demand made by the pannel, unless he had seen the *sneer* with which it was accompanied. It would have pierced a person of far less sensibility than Mr Gib to the very heart, to have observed that air of contempt, and insulting rolling of the eye, with which the pannel pronounced these words, "I " hope then they are not to be my judges." I am not a little surprised, that the Rev. Presbytery did not immediately find, and declare, that this malicious sneer was a material declinature of their authority, as I could easily show it was. But I suppose they delayed doing this, out of their great lenity towards the pannel, whom they had not as yet considered as absolutely incorrigible.

But the pannel's *sneering*, offensive as it was, was hardly the half of his guilt on this occasion. Having mounted an eminence by way of rostrum, he continued to declaim against Mr Gib with a fierceness of aspect, and virulence of language, not to be described. To complete the insult, he pulled out of his pocket, two missive letters from the Rev. Mr Gib to himself, and, without any regard to the laws of familiar correspondence, read the same, in the hearing of many hundreds of witnesses. But indiscreet as the MATTER of this action was, the MANNER of it was much more so. For, in reading the last of these letters, " he all at once," says Mr Gib, " raised his " voice, and changed his tone into a most extraordinary air of " contemptuous and spiteful mockery, such as struck a visible " commotion through the whole house \*." — I will venture to pronounce this conduct of the pannel, an instance of effrontery and abuse without a precedent. Had the reader seen

\* Refuge, p. 171.

the malicious leer, the arched brow, and the satirical emphasis, with which he publicly read Mr Gib's letter, I doubt not but he would have changed his colour, and shifted his place too, as often as the Rev. Mr Gib was observed to do on that occasion. For who could have seen either himself, or his friend, personated with all the severity of ridicule, before a multitude, without being filled with a just indignation? Was not this all, yea more than what the Rev. Mr Gib has called it, mockery, yea spiteful and contemptuous mockery? After his usual manner, the pannel will no doubt allege with a SNEER, that in all this he was only using a little innocent freedom with a piece of blotted paper. But I must tell him, that all insults committed upon a man's missive letter, are in law construed to be intended against his person. Can he be ignorant, that it was with a design to put a mark of infamy upon the person of the famous Dr S——l, that the house of Commons ordered his letter to the people of England, to be burnt by the hands of the common hangman? I doubt not but the Rev. Mr Gib could have stood by, and seen his letter to the pannel burnt by the executioner, with more pleasure and far less pain than he saw him read it in the Seceding church at Crosscausey. I candidly declare, that had I myself been the writer of that letter, I had much rather have seen it in flames at the end of the hangman's torch, than heard it read in such a manner, and before such an audience. The pannel's conduct in this instance, whatever he may think of it, is a crime of a most atrocious nature. To convince him of this, I shall only beg leave to change a name or two, and lay the same charge against Dr W——t, clerk to the General Assembly of the church of Scotland, which Mr Gib has justly laid against the pannel. Let me then suppose, that in the article of ecclesiastic news for the month of May, a paragraph appears to the following purport. "Last Thursday, the Venerable the General Assembly of the church of Scotland, met in the New church isle, and being constituted by the Moderator; there was presented by his G——e the H——h C——r, his M——y's most gracious letter to the Assembly, which was delivered to Dr W——t the clerk; who, in reading it, *all at once raised his voice, and changed his tone into a most extraordinary air of contemptuous and spiteful mockery, such as struck a visible commotion in the whole house.*" Had his Doctorship behaved so, in the case supposed, I doubt not but the General Assem-

bly would have instantly unclerked him, and perhaps deposed him to the bargain. The cases are precisely similar; bating a few circumstances which are not material; and the alteration of names (*ceteris paribus*) cannot possibly change the nature of the argument.

It is not easy to conceive, what lengths malice is capable of driving men, who have wilfully resigned their hearts as a prey to it. Perhaps, there has seldom occurred a more striking instance of this melancholy truth, than in the vile and abominable insinuation which the pannel made, of the Associate Presbytery's being composed of a parcel of thief-takers. The Rev. Mr Gib, or the committee of Presbytery as his amanuensis, has justly pronounced this to be a *ruffianish* attack; and such it was indeed. For what could be more so, than for the pannel to cry out in public, that he was dragged to the Associate Presbytery's bar *as a thief*\*? Though this was no very delicate compliment to his own character, yet such was his malice, that he was willing to rank himself among none of the best of company, merely for the spiteful pleasure of putting the Associate Presbytery on a level with the infamous Macdonald the Irish thief-taker, who, some years ago, paid his debt both to nature and justice at Tyburn. But instead of being *dragged* to the Presbytery's bar, as the pannel falsely asserts, (for it can be proved, that there was not the least violence used on his person), he in a most furious manner attempted to drag the good Moderator out of his chair, and to hale him by the neck, all the way from Cross-causey, to the parliament-house. But that gentleman luckily disappointed him, by prudently slipping his neck out of the collar, just when the pannel thought that he had got a fast hold of him thereby.

It is not to be wondered that the pannels should attack Mr Gib's character, since they could not refrain from impeaching that harmless and inoffensive member, his tongue. After one of the pannels had furiously loaded Mr Gib's character with a charge of the grossest calumny, he stared him in the face, in a very spiteful manner, and added, "It is well known, Sir, "that your tongue is no scandal." It is not easy to conceive,

\* He cried out that he was dragged to the Presbytery's bar as if he had been a thief: and when the moderator was thereupon saying, You deserve the character of one who has greatly abused the session and congregation,—he interrupted the moderator just as he pronounced the word *character*; so that he cried out, in a furious manner, over and over, *Say that again, Sir*,—and with such an air, as if he had been going to drag him out of the chair to some other tribunal. *Ref. p. 171.*

what the pannel expressly meant by this malicious charge. The law allows every person's tongue to be scandal, except children, and such as are in a state of idiotism or madness. I hope then the reader will see into the abominable design of this vile innuendo against Mr Gib, and save me the trouble and pain of explaining it. But how ridiculously inconsistent are the pannels? I can show it under their hands, that they think Mr Gib's tongue is ~~capable~~ of scandalizing them: yet it seems, they will allow him a qualification at one time, which, to serve a purpose, they will deny him at another. Or, if they intended by that detestable insinuation to hint, that Mr Gib's words are such mere wind, that they cannot hurt any one; then why all this noise, with which they have disturbed the world, if they do not feel the weight of them? They put one in mind of a froward boy, who pretends that he does not feel the blow which his companion gives him; though one may easily discern, by the wry faces which he makes, that it pains him very sensibly.

There cannot be a grosser instance of abuse than to laugh in the face of a grave person, especially when this is done with a design to discompose him, or put him out of countenance. To all their other crimes, the pannels have added this instance of rudeness, as the Rev. Mr Gib expresses it, by "most impudently and spitefully laughing in the faces of the members of the Associate Presbytery." I know there are various modes of laughing, but it is easy to guess the nature of that whereby with the pannels are charged by the Rev. committee of the Associate Presbytery. I make no doubt but it was a laugh of the same kind with that, for which Peter the Great of Russia drew his sword, and made a thrust at a porter in the streets of London. No wonder, then, that the pannels discomposed Mr Gib and his Rev. brethren, by their contemptuous and insolent horselaugh. I have known some of the first orators at the bar so discomposed by a general laugh in court, that they have lost not only their countenances, but the very thread of their discourse. Yea, I knew a gentleman of the sword, who could have chosen rather to have stood the fire of a fifty-gun battery, than a laugh of raillery. Laughing then in one's face, is not such a small matter as the pannels may allege; and laughing at one's opinion \* is much the same with laughing at his

\* At the same time, my chief prosecutor made no scruple of treating me, and any opinion of mine differing from his own, with touches of sneer and contempt.

person; which proves the pannels guilty of a double act of rudeness to the Rev. Mr Gib, as they have thought fit to sneer at his opinion, as well as at his person.

Guilt is apt to take shelter under every refuge. I am aware, that the pannels will be ready to plead, that there was no harm in their laughing at Mr Gib, and perhaps to quote Mr Gib's words in proof of this. But I will prevent them in this, by repeating these; and showing, that they import no warrant for laughing either at a man or his opinion. "There are many instances," Mr Gib acknowledges, "where matters of external behaviour, that are morally quite indifferent, or most readily admit of a fair construction, yet these may be represented as criminal and odious \*." But I will affirm, that the external behaviour of one who insolently laughs in his neighbour's, much more in his superior's face, is none of these instances, and cannot in any shape admit of a fair construction. Even a contemptuous smile at a solemn countenance, is an insult in its very nature, both criminal and odious. It is, plainly speaking, just as if one should look me in the face, and say, Sir, your grave demure looks are nothing but downright hypocrisy and grimace. And I am sure, it is all one, whether a man insult me in this manner, by express words, or by contemptuous and overbearing smiles, if I can understand and interpret both, with equal readiness. I must add, that this crime is always aggravated in proportion to the modesty of the persons countenances who are laughed at. An observation which proves, that the pannels crimes, in this instance, are of a very atrocious nature. To conclude this article, the representation subjoined †, plainly shews what an idle and vain parade the pannels have made about Mr Gib's refuting the charge against them in general only: there the reader will find a series of particulars expressly condescended upon, besides fifteen others of the same nature, which Mr Gib can prove against them, each of which are of a grosser nature than another,

\* Refuge, pref. p. 11.

† "T—s K—r and A—w B—n treated the Presbytery, at their last meeting, in a most insulting and abusive manner; before some hundreds of people: As,

" 1. Immediately upon being interrogated, according to the summons,—T—s K—r began with a magisterial demand to be informed who were his prosecutors, before he should make any answer: and when a member replied, that the Presbytery were the prosecutors, upon the reference which had been made of the cause to them,—he sneered at this answer, saying, he hoped they were then not to be his judges; and continued for some time to require information of his prosecutors, that they might be excluded from being his judges. By which behaviour, he struck at the root of all church government and discipline; as, upon the matter, maintaining,

## A R T I C L E IX.

THAT you the foresaid pannel T——s K——r, having been for some time cashier to the Seceding congregation at Cross-causey, did insult the Rev. Mr Gib by an act of the most *superlative baseness*: IN SO FAR AS you did, on a certain day of the month of —, in the year —, receive the sum of — pounds Sterling money, to be paid by you to the said Mr Gib as a part of his stipend: which sum of money you did most wickedly and impudently offer to him, by letter or otherwise, with the iniquous design of decoying the said Mr Gib into the snare of transacting civil business with you: AND THAT after retaining the said money some time in your custody, and infecting it with your own BASENESS, you wickedly attempted to communicate the same infection to the Rev. Mr Gib, by importuning him to receive the said dangerous sum of money immediately from your polluted hands.

that no ecclesiastical judicatory can justly call church-members to account about any thing of misbehaviour;—or that they cannot regularly take any cognisance of the misbehaviour of any, but at the instance of a private prosecutor; as if their calling to an account by their own authority, would be a making themselves parties, and so incapable of being judges.

“ 2. When he came at length to make an answer, he began it by reading a long paper as his speech; wherein he threw out a number of charges, which he has lying in dependence against Mr Gib before the Associate Synod. And thus he took an advantage for insulting the Presbytery and Mr Gib, by charges which they could not regularly take any cognisance of, and to which he could not regularly make any reply before them.

“ 3. In reading the said paper, as he took occasion to introduce two answers of letters which he had received from Mr Gib; so, in reading the last of these answers, he all at once raised his voice, and changed his tone into a most extraordinary air of contemptuous and spiteful mockery,—such as struck a visible commotion through the whole house: And all this insult was ultimately committed upon the Presbytery, in his daring to behave so at their bar.

“ 4. He cried out that he was dragged to the Presbytery’s bar as if he had been a thief: And when the moderator was thereupon saying, You deserve the character of one who has greatly abused the session and congregation,—he interrupted the moderator just as he was pronouncing the word *character*; so that he cried out, in a furious manner, over and over, *Say that again, Sir*,—and with such an air, as if he had been going to drag him out of the chair to some other tribunal. If he reckoned himself injured by the moderator, he had access to crave satisfaction from the Presbytery,—according to the rules of common discretion and sobriety: but such a ruffianish attack upon the moderator in their presence, was a most hainous insult and abute committed upon them.

“ 5. A——w B——n bawled out upon the Presbytery, that they screened the most atrocious crimes: while he furiously loaded Mr Gib, over and over, with a charge of the grossest calumny; because he had been summoned to the session to answer for keeping up the money of seat-rents collected by him,—though Mr Gib knew, he said, that he had delivered the same to Mr K——r;—and also bawled out to him, once and again, and in a most spiteful manner,—*It is well known that your tongue is no scandal.*” Ref. p. 171. See art. 6. above, p. 11, in note †. and p. 1, note ‡.

## ILLUSTRATION.

THIS article of indictment, although somewhat different, in its nature, from the preceding ones, will, I hope, be found equally relevant and atrocious. It represents, that one of the pannels, having been for some time cashier to the Seceding congregation at Cross-causey, was in use to pay the Rev. Mr Gib his stipend: That, after he had been guilty of most of the crimes laid to his charge in the former articles of indictment, he boldly presumed to act still in the same office, and to offer money to Mr Gib in his former usual way. After the commission of such crimes as have been proved against him in the former articles, one need not be surprised that he was capable of perpetrating this also. For one crime naturally leads to another; and his browbeating and sneering at the Rev. Mr Gib, could not miss to land him at last in this. But happy was it for Mr Gib and for TRUTH, that his sagacity enabled him to detect the iniquity of the pannel's intention, and to frustrate it also, by a generous and spirited resolution, to starve both himself and his family, rather than receive money through the pannel's impure hands.

If this matter is duly attended to, it will be found, that, in the circumstantiated case, there was not only an impropriety, but an utter impossibility of Mr Gib's transacting any civil business with the foreaid pannel, at least in a consistency with a good conscience. This will appear as plain as sunshine to the reader, if he will be pleased to attend seriously to the following considerations.

1. As the pannel lay under the horrible load of all those enormous crimes charged against him, in the former articles of indictment, it is plain he was, as Mr Gib justly expresses it, "in a state of unpurged scandal." How then could Mr Gib, with any propriety of character, have dealings of any kind with an *infamous* person, who had been guilty of overbearing and browbeating himself and his Rev. brethren? Especially if it is considered, that in offering stipend-money to Mr Gib, the pannel had no design to do justice to him, but merely to lick his own character clean \*; and no doubt had he

\* The well known state of matters left no room for supposing, that this could be from any new degree of regard to the body of the congregation or to me,—but for the support of his own character, in the opposition he was making to both. And I conceived, that my transacting with him as formerly would have been a countenancing of that design; and a saying upon the matter, that he and I were

got Mr Gib decoyed into the snare of either giving him money, or taking money from him, he would the very next day have trumpeted it abroad, that Mr Gib had thereby purged him of all the gross crimes which he had so justly laid to his charge. Deep as this design of the pannel's was laid, Mr Gib saw through it. For he justly observes, that the pannel's offering him money was *for the support of his own character*; and Mr Gib was very well aware, that his transacting civil business with him, as he had done formerly, would have been a *countenancing*, as he expresses it, that design. Perhaps some persons of shallow understanding may not, at first sight, see how any civil transactions betwixt Mr Gib and the pannel could have restored his character, and vindicated him from all the crimes laid to his charge. But I desire they will attend to the following history, which will, I hope, entirely remove their difficulties on that head.

The famous Sir Walter Raleigh was condemned to death for crimes of high treason. After continuing several years in prison, he was employed by the King, as commander in chief in an expedition to the West Indies. But returning some time afterwards to England, it was found necessary to oblige the court of Spain with the compliment of Sir Walter's head; which, to save trouble, was to be struck off on the footing of his former sentence. His counsel, which consisted of the most eminent lawyers of that period, pled in his behalf, that although he had not received a pardon in form, yet he was *materially* pardoned by the King's commission to him, as commander in chief of the fleet; because it cannot be supposed in law, that the King would delegate his authority to a traitor, or constitute a condemned malefactor his lieutenant or representative. And had it not been for the iniquity and corruption of the times, the King's commission to Sir Walter had certainly saved his life, as, according to the judgment of all the succeeding lawyers in England, it ought in justice to have done. Now, I desire the reader to apply this to the matter in hand. The pannel, it is true, offered money to Mr Gib, but it was in quality of cashier to the Seceding congregation at Cross-caufey, for which office he had received a commission. But had Mr Gib been so unwary, as to receive money from him in this capacity; would

as formerly: which, I think, would have meant a clearing of him, in the whole matter of the scandalous prosecution which he was carrying on against me before the Synod. *Ref. p. 168.*

not the pannel have taken the catch, and loudly told the world, that Mr Gib had pardoned him *materially*, though not formally, and purged him from the scandal of all his crimes, by a tacit acknowledgment of the validity and continuance of his commission as cashier to the said congregation \*? If James the Sixth's commission to Sir Walter Raleigh ought in law to have been considered as a full acquitment of him from all crimes of treason, or misprision of treason, committed by him previous to the date of the said commission; then it follows, that Mr Gib had good reason to consider either a material or explicit acknowledgment from him of the pannel's commiffion, as an ample restoration of his character, and an acquitting him from all the crimes laid to his charge. It was a pity indeed, that the above-mentioned congregation had not before this divested the pannel of his commiffion. This would have prevented much trouble, and effectually preserved Mr Gib's stipend from the pannel's impure touch. But this fault ought not to be imputed to Mr Gib; for he very prudently proposed this same measure to his elders, but they did not think fit to comply with it †. The most tractable beasts of burden are sometimes wayward enough.

2. It is obvious then, that Mr Gib could not receive stipend-money from the pannel, without acquitting him from all the atrocious crimes laid to his charge; which I am sure he could not in conscience do. But I am able further to vindicate Mr Gib's conduct in this matter, by shewing, that he could not receive that money from the pannel's hands, without making himself accessory to the whole of the pannel's guilt. He makes his boast indeed, that, when standing at the bar of the Associate Presbytery of Edinburgh, he made an offer of 50 l. to the Rev. Mr Gib. But let me ask the pannel, in what capacity did he stand there, when he made this same insolent offer? Does

\* It appeared to be resolutely determined, to endeavour to starve me into an acknowledgment of his properly maintaining his former capacity;—that I should receive the money on this footing, or want it altogether: and such an acknowledgment I could not make, according to my view, for any earthly consideration, —in a consistency with truth and duty. *Ref. p. 169.*

† I told the Session, before the first day of setting came,—that I did not see the propriety of any of these five elders, considering their then present situation, interfering in the matter as formerly; that, particularly, I could not transact with the first of them as formerly, about my stipend; and that, as none of them had any authority but from the Session for setting seats, I thought they should be laid aside, their books required from them, and others appointed in their place. But the members seemed to want resolution for taking such a course with them. *Ib. p. 165.*

he not acknowledge himself, that he was dragged there as a THIEF? — The secret then comes out; it is plain, he designed to palm his scurvy fifty pounds on Mr Gib, that he might involve him in his guilt; upon the footing of that known maxim in law, “ The *reset* is as guilty as the thief.” But Mr Gib was aware of this snare, and therefore declined taking any money from the pannel, unless he first paid the same to the Associate Presbytery; which the pannel refused to do out of mere spite, because he had been disappointed in his design of ensnaring Mr Gib into the vile character of a *reset*.

3. It was impossible for Mr Gib to receive stipend from the pannel, without sacrificing his reason, his reputation, and his conscience: things, I am sure, too valuable to be bartered for the paltry sum of fifty pounds. Mr Gib knew very well, that the design of those persons who had entrusted the pannel with that money, was, that he might by this means have it in his power to reduce Mr Gib to reason, as they profanely expressed it. Seeing, then, Mr Gib was informed, that the money was entrusted with the pannel on these vile terms, of reducing him to REASON, or, as he himself expresses it, obliging him to be a good bairn \*; how could Mr Gib receive it in this form, without materially acknowledging, that he had not only been deprived of his reason, but for some time past had been a very peevish and untoward BAIRN? What person in the sober exercise of reason, would have received even the sum of fifty thousand pounds on these conditions, however justly he was entitled to it? I shall not observe the malice of the persons who entrusted the pannel with money, to be delivered to Mr Gib on these insulting terms. I doubt not, but that the very same persons, who could offer money to Mr Gib, on such scandalous conditions, would the very next day have escorted him to Bedlam, had he accepted of it.

But reputation, as well as reason, was struck at by the pannel's attempting to transact civil business with the Rev. Mr Gib. As the Associate Synod (at least a *leading member* of that body) had declared the pannel and his abettors in a state of apostasy; it was utterly incompatible with Mr Gib's good reputation, to have any intercourse whatsoever with the pannel; at least, as Mr Gib expresses it, any particular communication with him.

\* But how can they consist with some previous talkings, as from the party,— about getting me obliged to be a good bairn, when once the paying of my stipend came in hand? *R'f. p. 166.*

Now, how could Mr Gib receive money from the pannel, and give him a discharge for the same, without having a very particular communication with him? But if all the truth were known, there is reason to believe, that the pannel's insidious design in this affair, was to ensnare the Rev. Mr Gib into a conversation with himself while in a state of *unpurged scandal*\*; and by this means expose him to the censure of the Associate Presbytery. Fame lies, if the pannel is ignorant of the censure which the said Presbytery so justly, of late, inflicted upon the Rev. Mr Cunningham, one of their number, for conversing with three of those schismatical ministers, called *Burghers*; although, it is believed, he neither gave money to them, nor they to him. How, then, could the pannel propose, that Mr Gib should transact any money-matters with him in his present circumstances, unless he intended thereby to expose Mr Gib to the like heavy condemnation? It is probable, that by this stratagem he expected to have the malicious pleasure, of one day seeing the Rev. Mr Gib standing as a pannel at the bar of the Associate Presbytery, and there solemnly rebuked for the crime of keeping bad company. And I doubt not, but he and his abettors would have personally attended on such an occasion, and by their sneering, and contemptuous looks, laid a heavier rod upon Mr Gib's shoulders, than even the Moderator's rebuke.

It is not so small a crime, even to converse with persons in a *state of unpurged scandal*, as some may be apt to imagine. This is evident from the conduct of the Associate Synod at their meeting in April 1768. Mr D——d T——r, one of those schismatical ministers called *Burghers*, who had been excommunicated by the Associate Synod, was sent by his brethren on a mission to North America. Whether it was off the Leeward islands, or the coast of Newfoundland, I cannot exactly determine, but it was in his passage over the Atlantic ocean, that he began to feel that heavy sentence pinch him to the quick: and yet before this he never discovered the least sensibility of that weighty load, though it had lain near twenty years upon his shoulders. Whether this sudden effect was owing to the change of air, or any other physical unknown cause, I cannot precisely say: but it is certain, that he had no sooner set his foot on

\* Let any body judge, then, if I had not good reason to tell the Synod afterwards, " That they were unanimously found by their brethren of Session, on the 19th of March, in a state of unpurged scandal." *Ref. p. 77.*

the continent of America, than he resolved to put the following stratagem in execution, in order to get rid of the scandal and load of excommunication. Having insinuated himself into the acquaintance of the members of the Associate Presbytery of Pennsylvania, he expatiated to them at great length, upon what he called the advantages which would attend an union among the two bodies of Seceders. Not aware of his private design, that Rev. court were caught in the *snare*, and joined with him both in Presbytery and somewhere else too, upon the strange terms of mutually forgiving all that had passed between both parties of Seceders ; that is, in other words, passing over the sentence of excommunication, which had been so deservedly pronounced upon him and his schismatical brethren. In consequence of this, by ways and means he influenced the foresaid Presbytery to write a supplicatory letter, and to transmit it by himself to the Associate Synod, praying them to unite in like manner, and upon the same terms, with the whole body of Burghers. But the Associate Synod had more penetration, than to be taken in his lure ; therefore, when that Reverend schismatic wrote a very cringing letter to their moderator, offering to wait upon them, and converse with them, they immediately discerned the snake in the grass, and very wisely ordered their moderator to inform him, that they had no business with him, and would hold no conversation with him, unless he appeared as a penitent at their bar, and then and there had the yoke of excommunication taken off his neck, in due form \*. Thus, for all the trick which that gentleman put upon the Associate Presby-

\* *Copy of a letter from the Rev. Mr John Wilson Minister of the Associate congregation at Methven, Moderator of the Associate Synod in April 1768, to the Rev. Mr D——d T——r minister at D——n.*

S I R,

*Edinburgh, April 7 1768.*

I Received a letter from you of this date, addressed to me as Moderator ; which, according to your desire, I have communicate to the Associate Synod. And they have instructed me to write you, that they do not understand any business they have with you, except in the way of receiving what satisfaction you ought to offer, for removing the higher censure which you are lying under. If you have any such satisfaction to offer, you will have access to attend the Synod for that purpose, in this place, on the 30th day of August next : and if your letter had contained any insinuation of such a thing, they would have appointed a federunt for that purpose to-morrow forenoon. As to the terms of agreement which you propose and refer to, the Synod cannot take them into any advisement. I am,

Directed on the back thus,      S I R,

*To Mr D——d T——r, at Mr Alexr.*

*Your humble servant,*

*Moubray's, Forrester's wynd,*

*JOHN WILSON, Moderator.*

*Edinburgh.*

tery of Pennsylvania, he is as much in a state of unpurged scandal, as the rest of his impenitent brethren are. But I hope that Presbytery will never fall again into the like snare, if the prayers of their friends in Britain can prevent this. For the Associate Synod have appointed the 23d of June 1768 to be observed as a day of fasting and prayer, in which their people are enjoined to pray, that their friends in America may be preserved from S N A R E S.

Reason and reputation are delicate matters, but *conscience* is much more so. Had the pannel been possessed of the least delicacy or discretion, he never would have importuned Mr Gib to receive money from his hands, after he had informed him by letter, that he could not in conscience receive it through such a channel. The pannel, as Mr Gib roundly informed him, "had been making a sacrifice of truth, of duty, " and his reputation and ministry \*;" as the reader will see clearly demonstrated, in the foregoing articles of indictment. To have transacted any business with a person of this character, must, upon Mr Gib's part, have imported a tacit approbation of all these various and enormous crimes. Yea, as Mr Gib justly observes, it would have been more; even a *homologating* these, and rendering himself art and part in every one of

\* Mr Gib's second letter to Mr K——r, taken from *Reasons of Protest, &c.* p. 65.

S I R,

*Edinburgh, Jan. 1. 1767.*

**I**N answer to your's of this date,—I have reason, I think, to be surprised,—that you should reckon a charging you with keeping me out of my money,—to be a *reproach*, even a *malicious calumny*: as I cannot but reckon that a refusing to let me have it, except in a form which must (in my view) imply an *homologating* of all the *sacrifice* which (I conceive) you have been making of *truth and duty*, of *my reputation and ministry*, yea of every sacred interest of the congregation I stand related to, in your prosecution of me,—is a most real and hainous keeping me out of it. I need not think strange, concerning the blame you roll on me in your letter,—after the singular freedoms of that sort which you have used elsewhere: But, even abstracting from all other bars in the way, every impartial person (I suppose) must allow the *door to be shut against all propriety of my holding any particular communication with you*,—by the *suprivative bafeness* with which I am used in your former letter; contrary to the most acknowledged measures of discretion and fair dealing in a civilized country. I abstain from any explication of that matter,—as I want this to be the conclusion of our epistolary correspondence. I shall only notice,—that the *not objecting* mentioned in my last, is not to be taken for an *approving*: and that the *allowing* which I there mention, proceeds on the *supposition* of a new *paction* to take place; as not above fourteen shillings and an half-penny of the articles meant, could otherwise, without bafeness, be transferred to my account,—especially in the way of shutting me out from the credit of paying them. I remain, with a sore heart,

S I R,

Your real wellwisher,

**A D A M G I B.**

them. That is, in other words, it would have involved Mr Gib in the guilt of suicide, or stabbing his own reputation to the quick, besides the deadly blow it must have given to *truth*. I doubt not but some weak persons may be ready to ask, what instance of truth could have suffered by Mr Gib's receiving money through the hands of the pannel? O the dulness and stupidity of mankind!—Would not the whole of *truth*, the very quintessence and sum total of it, AS AMONG MR GIB's HANDS \*, have for ever perished by this act of imprudence, had he been so unwary as to have been guilty of it? Does he not plainly demonstrate to the pannel, that he had sacrificed *truth*; and that, for this good reason, he could not receive money through his hands, without looking on himself as accessory to his complicated and enormous guilt?

But there was still a stronger reason, could a stronger be, for Mr Gib's refusing to receive any stipend-money through the hands of the pannel. Had he been so unwary (which, thanks to his prudence, he was not) as to receive money from the pannel, in the form of stipend; I am able to shew, that there never could have been an Associate Session at Cross-causey †, after this unlucky event, and that respectable court must have been for ever annihilated: and it is much questioned, if Presbyterian church-government could have survived it. That the reader may see this matter in a proper light, I desire that he will observe, what was the “truth among Mr Gib's hands,” which the pannel had wantonly and wickedly sacrificed. It was, as Mr Gib justly expresses it, “the testimony among my hands, for the Presbyterian constitution and order of the Session, against the scandalous conduct of the prosecutors,” that is, the pannels. Now, let it be attended to, that the cause which Mr Gib combated with the pannels, was, as he says, the very being and existence of the Session at Cross-causey ‡, which they had impiously struck at,

\* That I should instantly drop the whole testimony among my hands, in behalf of the proper constitution and order of the session, against the conduct of the prosecutors. *Ref. p. 114. Compared with p. 120.* For my own part, I could never, all the time, entertain any fear of a breach upon this affair; while nothing of the public cause and testimony was in debate.

† I hope to make it evident, that my protest was, in the circumstantiate case,—of absolute necessity for the maintaining of Presbyterian government, in the session and congregation immediately concerned. *Ib. p. 79.*

My protest was the only further means left me to try, for healing the breach; the only proper method then left open to me, for maintaining any Presbyterian or scriptural existence of the session. *Ib. p. 81.*

‡ I have been all along contending for the Presbyterian constitution and order of the session, for maintaining the Presbyterian existence of it. *Ib. p. 192.*

by their haughty and overbearing contemptuousness. If then Mr Gib had unwarily homologated the sacrifice which the pannels made of TRUTH, that is, the constitution and order of the said Session, where had that Session, yea where had Presbytery itself been this day? Upon this footing, every impartial person must agree with the Rev. Mr Gib, *that the door was shut against all propriety of his holding any communication with the pannel*, unless at the expence of THE TESTIMONY AMONG HIS HANDS \*; which was so essentially connected with the very existence of the Session, that had he dropped it, by receiving stipend through the pannel's hands, that eminent under pillar of Presbytery must have been razed to the ground, and lain, alas, in perpetual ruins.

The issue of this pecuniary affair betwixt Mr Gib and the pannel, affords a very remarkable confirmation of the above arguments; and clearly shews, what a handle he would have made of that gentleman's receiving money *immediately* through his hands. The following letter, which fell into my hands by a particular accident, plainly demonstrates the prudence and necessity of Mr Gib's declining to receive so much as a shilling from him in person.

*To the Rev. Mr WILLIAM MONCRIEFF, Minister of the Gospel in the Associate congregation at Alloa, and Professor of Divinity to the whole Associated church.*

REV. SIR,

YOU were pleased some time ago, in presence of the Associate Synod, to pronounce the awful sentence of APOSTASY † upon us. Considering the respect due to the infallible chair of divinity, which you so worthily fill, in the Associated church, this could not fail to sit very heavy upon us; and we sincerely assure you, that it produced the very same dismal effects upon us, which the excommunication of Mess. Erskines, Fisher, &c. did upon the Rev. Mr Adam Gib; which, as he justly observes, oppressed his spirits so much, *as threatened to*

\* Unless I would agree to give up with the whole of the aforesaid testimony among my hands. *Ref. p. 115.*

† They bring in some others to share with me, in the extravagancies of personal abuse.—For this purpose, they single out two of my brethren. “We were “truly sorry” (say they) “to see the Rev. Mr Moncrieff following the footsteps “of Mr Gib, calumniating us before a multitude;” though the pretended calumny was a most notorious truth, *that they had deserted the Lord’s cause.* *¶* *p. 139.*

*shorten his days.* But we beg leave to inform you, in that gentleman's words, that, in this instance, *we have got our judgments and consciences satisfied, over the belly of affection and inclination* \*, as really and truly, and in much the same way, that Mr Gib did his in the other. For, on the 25th of April 1768, we received a full pardon, not only of our apostasy, but of all our other crimes, under the hand of Mr Adam Gib; by a transaction betwixt him and one of our number, in which he graciously condescended to receive stipend-money from him, and thereby did fully *exoner* him, and consequently us also. We have presumed to transmit you a copy of this **A C T O F GR A C E** †; and we entreat that we may be thereby restored to the honour of your good opinion, as well as to the favour of the Rev. Mr Adam Gib. We are,

Rev. S I R,

*With all humility,*

*Your most obedient humble servants.*

\* They fetch another stroke at me, from the side of their new profession; as, in two different places of their libel, they speak of " how active he was,—so very active, in prosecuting a number of his brethren, the length of the *highest censure* of the church." But they knew well, that I was far from being the first mover in this hated procedure: and if the Lord had not been pleased to endue some of my Rev fathers with more honesty and zeal,—that point of testimony might perhaps have been neglected, for me at least, to this very day. I will always remember, how much the oppression upon my spirit, before I attained to the same clearnes with them,—had threatened to *shorten my days*. But I got my judgment and conscience satisfied upon the subject, over the belly of affection and inclination; and so I continue to this day. Ref. p. 38

† Mutual Discharge between the Rev. Mr Adam Gib and George Anderson, and T—s K—r.

His account of charge and discharge betwixt the Associate Congregation at Edinburgh, and T—s K—r \_\_\_\_\_ in Edinburgh; being this day examined by the Rev. Mr Adam Gib minister of the gospel in said Associate Congregation, and sub-tacksmen of the church and session house built upon the ground set in tack by Henry Robertson shoemaker, portioner of Belfield, in the parish of St Cuthbert's, to John Bysson and others, for the behoof of the said Associate Congregation; the same is found to be rightly stated, and that the charge amounts to four hundred and forty-eight pounds three shillings and sixpence half-penny, and the discharge to three hundred and ninety-nine pounds eighteen shillings and seven pence, both Sterling; whereby there is a balance due by the said T—s K—r of forty-eight pounds four shillings and eleven pence halfpenny Sterling: which balance he has instantly paid over to the said Mr Adam Gib; as sub-tacksmen aforesaid, to account and in payment *pro tanto* of the stipend due to him by said Associate Congregation. AND THEREFORE the said Mr Adam Gib for himself, and as taking burden upon him for said Associate Congregation, with consent of George Anderson tenant in Saughton, to whom he had assigned theforesaid balance for his behoof, on the one part; and the said T—s K—r on the other part; hereby mutually exoner, quit-claim, and discharge each other, their heirs, executors, and successors, of the foregoing account, whole articles therein contained, and balance of forty-eight pounds four shillings and eleven

Let the reader now judge, what good reason Mr Gib had to refuse having any immediate civil transactions with any one of the pannels, after he is informed, that they had no more ground to inform Mr Moncrieff, that they were pardoned, than Mr Gib's receiving money (not immediately, but) *mediately* from one of their number, and that too through the intervention of several other persons hands. I have attentively considered the nature of this writ, which they call a pardon and act of grace; and I am able to shew, that it is neither a material nor a formal act of pardon, either of their browbeating or their apostasy. I will admit, that, at the time mentioned in the letter, Mr Gib had stipend-money paid for his behoof, by one of the pannels; but I utterly deny, that the same identical sum of money was paid to him. The case was precisely thus \*.

pence halfpenny Sterling due thereon by the said T—s K—r; and likewise of the process raised at the instance of the said George Anderson against the said T—s K—r, before the Sheriff of Edinburgh, for payment of said balance; and of all further action, diligence, and execution competent, or that may be competent, to follow thereon for ever. Which discharge, the said Mr Adam Gib, with consent and taking burden on him as said is, and the said T—s K—r, bind and oblige them, their heirs and successors, to warrant to be good and sufficient to each other, at all hands, and against all deadly, as law will. In witness whereof, this and the preceding page (wrote by Alexander Dalzell, clerk to Alexander Gordon writer in Edinburgh) are subscribed by the saids Mr Adam Gib, at Edinburgh, the twenty-fifth day of April, seventeen hundred and sixty-eight years, before these witnesses, William Fullerton student of philosophy in Edinburgh, and Alexander Beverly upholsterer there; and by the said George Anderson, at Saughton, the said twenty-fifth day of April and year foresaid, before these witnesses, George Anderson his son, and Walter Minto porter in Edinburgh; and by the said T—s K—r, at Edinburgh, the thirtieth day of the said month of April and year foresaid, before these witnesses, the said Alexander Gordon and Alexander Dalzell.

WILLIAM FULLERTON, *witness.*

ALEXANDER BEVERLY, *witness.*

GEORGE ANDERSON, *witness.*

WALTER MINTO, *witness.*

ALEXANDER GORDON, *witness.*

ALEXANDER DALZELL, *witness.*

ADAM GIB.

GEORGE ANDERSON.

T—s K—r.

\* Mr K—r's second letter to Mr Gib, taken from *Reasons of protest, &c.* p. 64.

R E V. SIR,

Edinburgh, Jan. 1. 1767.

I Wrote you the 4th ult. desiring to know at what hour next day it would be convenient for my waiting upon you to pay you the deficiency of stipend presently due to you by the congregation, so far as some money in my hands, arising from the seat-rents, would go. I have before me your reply of same date, wherein you desire I may not give you nor myself the trouble of waiting upon you about that business, as you say you cannot enter upon it with me. Your reasons for such reply you will possibly explain afterwards; and it will then be time enough for me to trouble you with any remarks thereon. Meantime I must beg leave to tell you, that it gives me some concern to find, by various reports, that I am reproached with keeping you out of your money. What has given rise to so malicious a calumny, I shall not pretend to say: but you are no doubt sensible, that it

Mr Gib's conscience not permitting him to receive money *immediately* from the pannel's hands, and he being obstinately resolved to decoy him into this snare, Mr Gib found it necessary, as he informs the public, to borrow a sum of money to the extent of that part of his stipend which lay in the pannel's hands, and to give George Anderson tenant in Saughton (whose conscience is not so delicate in money-matters) an assignation to the said debt; which was immediately put into the hands of a lawyer \*. Mr Gib's prudence and discretion in this step are, to me at least, very admirable. For I cannot conceive a more effectual method of refining money, and purifying it of all dross, so as to make it sit light enough upon the most scrupulous conscience, than by making it pass, by way of mint, through the hands of two or three gentlemen of the law. Mr Gib, being well apprised of this, put the foreaid assignation to his stipend, into the hands of a lawyer, and caused him commence an action for the same against the pannel, before the sheriff-court of Mid-Lothian. This prudent expedient might, I doubt not, in due time have answered Mr Gib's end. But as the judge in that court seemed neither to understand the nature of that infection which gold is capable of catching from impure hands, nor to comprehend the nature of Mr Gib's scruples of conscience, about touching such infected money; there was reason to fear, that he might have ordained him to receive his stipend *immediately* from the pannel, and perhaps condemned the said Mr Gib to pay the costs of suit also. On these

is without the smallest foundation, as you have yourself only to blame that you have not received every farthing due to you by the congregation, so far as some money in my hands belonging to them will go.

I am still ready to wait upon you, at any time you please to appoint, for the business mentioned in my last. I should be very glad you would order a meeting of the whole managers to be called, that I may have an opportunity of accounting to them for my intromissions with the public money, since my last clearance with them; and (as was done immediately after my last settlement with the managers) that you would be pleased to call a congregational meeting, that I may have the satisfaction of exonerating myself to them of my intromissions with their money, since my said last settlement with the managers. And after all this is done, if the congregation shall incline either to continue or change their present managers, I shall be entirely passive. But I should reckon it a breach of the trust reposed in me by the congregation as a manager, to submit to your putting in or turning out managers at your pleasure. I remain,

REV. SIR,

Your most obedient servant,

T——S K——R.

\* The real scheme, for having me deprived of as much of the money as they could get into their hands, unless I would receive it upon the scandalous terms aforementioned, is now sufficiently evident. *Ref. p. 173.*

accounts that gentleman found it necessary to drop the process, and compromise the matter; but it must be observed, that he took care to do this, in such a way as could import neither a material nor formal approbation of any part whatsoever of the pannel's guilt. It is true, that Mr Gib was generously pleased to pay the pannel's expences of defending himself in court; but I desire it may be observed, that this was only giving the pannel money, and not a receiving any from him; things which in their nature are entirely different. Besides, it is to be remembered, that although the pannel paid Mr Gib's stipend to Mr Gordon his agent; yet it is probable, that this same sum of money was never in Mr Gib's hands, and that he did not so much as touch it, as he had assigned the same to his friend George Anderson \*, some months before, for a pure and clear sum of the same extent. I observe indeed, that the pannels, in their letter to Mr Moncrieff, lay much stress on the word *exoner* in the writ, pluming themselves on this, as if it were a pardon in form of all their crimes. But this is owing to their mistaking the meaning of it. *Exoner* is a law-term, and never used in the style of pardons. *Absolution*, or absolving one, is the phrase used in these ecclesiastical acts, as I doubt not but Mr Moncrieff will convince them of in his answer to their letter. Besides, the *exonerating* mentioned in the paper is mutual, that is, on the part of the pannel, as well as Mr Gib's part. It cannot therefore bear the meaning which they put upon it, unless they were so absurd as to allege, that the pannel is capable of being quits with Mr Gib, in this instance; while it is well known, that he is no more qualified to pardon Mr Gib, than that gentleman is capable of doing any thing against any man, which needs to be pardoned.

#### A R T I C L E X.

THAT you the foresaid pannels, T—s K—r, A—w B—n, and R—t M—n, did, in a most public and malicious manner, impeach the Rev. Mr Adam Gib, with the detestable crimes of Jesuitism and dissimulation †; and this you

\* After lying about a twelvemonth out of my money, I granted an assigation of the seat-rents in question, (upon the footing of my sub-tack), to one who had lent me 50l. for supplying the place of it; that he might recover the money from Mr K—r. But, after various applications made to him, he shifted from time to time; and has at length positively refused to make payment. *Ref. p. 173.*

† Such was the unwearyed industry then used,—for getting me represented, far

did in print, in a pamphlet, published by you, entitled, **R E A-  
S O N S O F P R O T E S T**, &c. with the abominable design  
of procuring a sentence of outlawry or exile, against the said  
Mr Gib, as an enemy to the liberties of his country: **A N D**,  
as if this had been a small matter, you wickedly endeavoured  
to prove, that he was guilty of the grossest disingenuity in push-  
ing the Associate Presbytery of Edinburgh to grant a disjunc-  
tion to the Seceding people at Leith from Mr Gib's congrega-  
tion, while, as you falsely allege, he was doing all he could in  
private to oppose this same design. This your crime is aggravated  
to the highest degree of guilt; in as much as you yourselves  
were witnesses to the plentiful tears which Mr Gib shed, with  
all the importunity of a suppliant, for the said disjunction; yet  
such was the hardness of your hearts, that these melting  
tears could not soften them, nor prevent you from blasphem-  
ing these, by calling them the tears of a crocodile.

### I L L U S T R A T I O N.

THIS article of indictment exhibits a very striking evidence of the calumnious disposition of the pannels. They have thought proper to charge the Rev. Mr Gib with the crimes of Jesuitism and dissimulation. Without determining whether these charges are synonymous, or specifically different, I shall proceed to consider the import of them, and shew how unjustly the pannels have advanced them against Mr Gib.

The name *Jesuit*, to the ears of a Briton, conveys the idea of an enemy to our happy constitution, both in church and state. It would seem, then, that the pannels intended, by this imputation, to represent the Rev. Mr Gib, as a person disaffected to the government of his country. But nothing can equal the malice of this charge, except the insidious manner in which it is laid.

Men are, on some occasions, under particular impulses of mind, which at the time they can neither account for nor explain; and yet, in some after period, they find, that, in such cases, it was their good genius which influenced them to take

and bear, as a sort of execrable monster; or, according to the style now used about me by the libellers, as one who deserved to be "driven into exile from almost every nation," like a Spanish Jesuit,—"whose name from Jesus, but whose arts from hell." And that industry was far from being unsuccessful. I was brought under a general odium on all hands, through all the bounds of the secession; my name was in some places become a nuisance. *Ref. p. 116.*

such steps as these secret impressions impelled them to \*. I have seldom observed a more convincing evidence of the truth of this, than in the case of the Rev. Mr Gib. As if he had clearly foreseen, by what means, I shall not determine, that the charge of disaffection to government might, in process of time, be advanced against him; he was prompted, by I know not what cause, timeously to obviate this malicious charge, by publishing, in the Scots Magazine for May 1765, a distinct account of the noble stand which he made for the support of his Majesty's person and government, in the memorable year 1745. Let the pannels hear it and blush. In the time of that daring rebellion, when the rebels had possession of this city, Mr Gib retired to a village only three or four miles distance from his meeting-house in Bristol; when certain clergymen of this city, yet alive, hardly thought themselves safe, at fifty miles distance from it; and there boldly preached and prayed against the luckless chevalier and his followers, and that too when some of the rebels were within hearing of him; at least, they might have been so, if they had a mind. Let me ask, Did any of the established clergy of this city behave in this intrepid manner? No: they fled to a man, and had not the courage either to pray for the King, or preach to his subjects, almost within sight of the spot, where each of them received 140 l. a-year, for doing nothing else. Besides, it was well known at that time, though almost forgotten, until Mr Gib very seasonably put the public in remembrance of it, that a certain rebel more daring than his companions, resolutely discharged his fusil at Mr Gib, as he passed the highway: yet even this attack, bold as it was, gave Mr Gib less disturbance, I dare say, than some of the pannels haughty overbearing looks. I very much doubt, if all our Rev. dignitaries of this church, who are presently in possession of the chaplainships, deaneries, and other ecclesiastic places in the gift of the King, are able, among them all, to present an account of such sub-

\* There is no reason to charge the author with enthusiasm for this observation. Gentlemen of the law are very seldom subject to this disease. If the instance to which the observation is applied did not sufficiently illustrate the truth of it, it might be demonstrated from the following fact which Mr Gib relates in his Refuge, &c. p. 189. In the year 1767, there was reason to suspect that the members of the Associate Synod were likely to go by the ears, and that the controversy betwixt Mr Gib and the pannels would have terminated in the utter dissolution of that Rev. body. This melancholy event had in all probability taken place, if certain of their friends in distant corners of the country, "who (as Mr Gib expresses it) had no particular knowledge of the state of matters," had not luckily prevented the same by their prayers.

stantial services in behalf of the crown. And certainly the value of these is not a little enhanced, by the modest manner in which they are repeated. For, as Mr Gib very justly observes, in his printed account of them, he has “ given pretty good evidence of his being nowise disposed for ostentation on this subject.” But still it ought to be remembered, that there is a degree of justice which merit always owes to itself.

But the pannels, when beaten from one post, will no doubt, according to their manner, betake themselves to another. It is not disaffection to the government, they will now tell the world, that they mean, when they impeach Mr Gib with Jesuitism ; but downright hypocrisy and dissimulation. In order to set the malice of the pannels, in this matter, in a proper light, I shall condescend upon all those instances of Mr Gib’s conduct, which the pannels themselves, with all their ill-natured quickness, have been able to point out, as having the least appearance of disingenuity or dissimulation ; and, to their confusion, I will give a plain and satisfactory explanation of each of these.

In the affair of erecting a Seceding congregation at Leith, the pannels have thought fit to charge Mr Gib with the grossest dissimulation, by affirming, that he promoted this design in public, by speeches and otherwise ; and yet all the while opposed the same in private, by what they are pleased to call the most scandalous underhand dealing. I could shortly repel this calumnious charge against Mr Gib, without so much as entering upon a particular examination of his conduct in this business ; by shewing the gross absurdity and impossibility of such an imputation. For, as Mr Gib justly observes, “ it must be grossly absurd, to suppose the worst person in the world capable of such opposite dispositions at the same time, as the pannels ascribe to him \*,” by this charge. No doubt they will

\* They charge me with gross dissimulation, glaring disingenuity, and Jesuitical duplicity,—in the affair of the new congregation at Leith. For making out this charge, they acknowledge on the one hand,—that I insisted warmly, very warmly, in favours of Leith affair ; that I continued to insist in the most strenuous manner, adding tears, weeping loud : that I thus promoted the scheme with all my might, and recommended it to the Presbytery with all the warmth of eloquence. On the other hand, they represent all this as acting under a mask,—having the Seceders at Leith as the object of my vengeance ; and making such appearances in their behalf, that the wreaking of my vengeance upon them might be the more effectual and conspicuous. And what I insist upon here, is,—that it must be grossly absurd, to suppose the worst person in the world capable of such opposite dispositions at the same time, as are here ascribed to me ; each of these dispositions in full strength, and the force of the one no way impairing that of the other. *Ref. pref. p. x.*

tell the world, that Mr Gib was influenced by three different principles of action, in his conduct, as to Leith affair. But I desire them to remember, that though he allows that these principles were *different*, yet he does by no means grant that they were *opposite* to one another, for all these concurred to promote one and the same end. But to suppose that Mr Gib was influenced by a principle of opposition to that design in private, and another principle of promoting it in public; and that both these principles were at the same time equally powerful and cogent; is not only an absurdity in philosophy, but a reducing Mr Gib to such a state of inaction and suspense (like the asfs between the two bundles of hay) as leaves him no determining principle at all. Either this must be true, or, as Mr Gib observes, he must be the worst person in the world; which, no doubt, is sufficient of itself to demonstrate, in a very satisfactory manner, the absurdity of the imputation.

But what do they mean, when they speak of Mr Gib's underhand dealing, in the affair of Leith \*? It is his drawing papers, (say they) earnestly praying the Associate Presbytery of Edinburgh to prevent the erection of a Seceding congregation at Leith; while he himself was dunning and importuning the said Presbytery in public to grant them an immediate disjunction, in order to their being erected into a distinct congregation †.—And will they call this dissimulation? Is Mr Gib the first who has pled for the success of the same measure in public, which he has written against in private? Have they never heard of many celebrated divines, who have written in private against those very doctrines and opinions, which they have both subscribed, and solemnly declared their belief of, in public? I can condescend upon a late instance of this innocent practice, which happened within the bounds of the Synod of Glasgow and Ayr. The Rev. Mr Ferguson of Kilwinning, prompted by that freedom

\* There is a most hideous roaring against me throughout the libel, upon the complex tenor of my conduct about Leith affair.—I am charged with *abominable, shocking, shameful, hateful conduct; double-dealing, shifting sides, glaring disingenuity, conduct shamefully disingenuous; gross, shameful dissimulation; a dastardly and unchristian device; shuffling, duplicity, underhand dealing, truly Jesuitical duplicity*: and I am, upon the matter, set apart for a post of honour in the society of Jesuits; as worthy of being *driven into exile from almost every nation*, with that society *whose name from Jesus, but whose arts from hell*. Refuge, p. 45.

† I am represented as having *diffembled* the matter, when they charged it upon me as my paper. But was there any dissimulation in my behaving on the reserve, with men who came in upon me so indecently? My acknowledging to them the hand I had in it, was rather silly; as they had no title to be answered, though I knew no reason to be ashamed of it. Ib. p. 43.

of inquiry, which is the inseparable attendant of a liberal mind, found himself obliged privately to write, in the Scots Magazine, against certain antiquated doctrines of the Confession of Faith, which he had publicly subscribed. The drummer of Beith, it seems, (for drummers are always noisy), immediately beat an alarm to the public, by libelling the poor gentleman at the bar of the Presbytery of Irvine; as if, forsooth, the main pillar of the church had been undermined, by some little freedoms which Mr Ferguson had used, in the Magazine, with the foresaid superannuated book, although, I am sure, it is long since exauctorated by PRESCRIPTION. But when this cause came before the Rev. the Synod of Glasgow and Air, did they either pronounce Mr Ferguson a Jesuit, or his conduct in privately writing against the doctrines which he had publicly subscribed, to be either dissimulation or disingenuity? No: that worthy body of men understood the nature of these imputations too well, to fix them rashly upon any man, far less a clergyman, for a matter which, though trivial in itself, yet, in its consequences, might have touched the characters of many of the Rev. order, in both kingdoms, in a very sensible manner. No doubt it was that just regard which every man owes to *his own character*, as well as his order, which influenced MANY of the members of that Rev. court, to consider Mr Ferguson's conduct in the charitable and inoffensive light, in which it appeared to them. The Synod had no less than an imperial pattern for this their tenderness and charity to their good brother, in that noble prince, who declared, that if he were to see a priest in the very act of adultery with his neighbour's wife, he would, rather than expose the order, throw his cloak over the Rev. lecher, and thus conceal his crime.

It gave me great pleasure, as it did also, I am perswaded, all the friends to liberty of sentiment, to hear that the Very Rev. the Synod of Glasgow and Air had dismissed the proceſs against Mr Ferguson. At the same time I cannot help reflecting on that Rev. court, for not testifying their indignation, in a more spirited manner, against the unprecedented insolence of the drummer of Beith. Shall every fellow in a livery-coat, with a drum dangling around his neck, be permitted to beat the rabble to arms, against any honest clergyman, who generously asserts the privilege and right of his order to freedom of sentiment? If such insolence is suffered to pass with impunity, what can we expect but that every town and village, which happens to be

blessed with a clergyman of liberal sentiments, and at the same time keeps a fanatical drummer, shall immediately become a scene of wild uproar and noisy confusion.

It has long been occasion of real concern to all the friends of liberty and learning, that the door of admission into public office in this church is so strait and narrow, that many gentlemen of the finest accomplishments cannot enter thereby, without bringing an imputation upon their sincerity and ingenuity. This is entirely owing to the unnecessary trammels of antiquated creeds and confessions, with which the consciences of clergymen must of necessity be encumbered, before they can be entitled to the legal profits of their office. It is believed by many, that the low state of polite literature in North Britain, is one of the unhappy effects of subscription of the national creed. Bigotry, and attachment to antiquated systems, have been always the greatest hindrances to the advancement of learning. This consideration obliges me, with all deference, to dissent from the opinion of the Rev. Dr Robertson, who, in his History of Mary Queen of Scots, ascribes the slow progress of polite literature and polished manners, in the northern parts of this island, to causes very different. Our neighbours of England, as that gentleman very justly observes, got the start of us, and almost reached the very summit of the mountain of polite literature, before we had well begun to climb up its side. But I must beg leave to inform him, that this was by no means owing to the fanciful causes to which he assigns it; but rather to that freedom of sentiment, which was happily introduced among the English clergy, in the matter of subscription to the thirty-nine articles of the church of England, the Athanasian, and other systematical creeds. The restoration of Charles the Second was the grand æra, which stands so remarkably distinguished in the English annals, for the introduction of freedom of sentiment into South Britain. Then it was, that some of the brightest luminaries of the English church, bursting asunder the ignoble fetters of vows and subscriptions, led the way to freedom of inquiry, by renouncing Presbytery, and the Solemn League and Covenant, all which (through the necessity of the times) they had subscribed; and afterwards subscribing the form of the Episcopal hierarchy, and the oath of supremacy. From that memorable period, the clergy of the church of England have gradually advanced in freedom of inquiry; and many of them have attained such a degree of perfection in this

article, that they can to-day subscribe the Nicene and the Athanasian creed, and next day write against both. Mr Ferguson's conduct may be, therefore, fully justified, by a variety of precedents among his own order in South, as well as in North Britain.

I have a proof of this just now before me. The celebrated Bishop of Gloucester subscribed all the creeds, which are necessary to qualify for an English bishoprick. When he ordains priests to his diocese, he solemnly confers the indelible character upon the candidate, in these words, *Receive thou the Holy Ghost*; and yet his Lordship has roundly told the world, in print, that the assistance and direction of the Holy Spirit is entirely needless and unnecessary, in this enlightened and refined age of the world \*. Such high examples of freedom of sentiment, must undoubtedly have due influence upon the inferior English clergy.

We cannot go so far back in tracing the origin of freedom, in the matter of subscription to creeds, among our Scotch clergymen. This privilege seems to have been little known in Scotland, until the year 1716, when the celebrated Professor Simson of the university of Glasgow, made a noble stand for freedom of inquiry. From that period, it must be acknowledged, liberality of sentiment has made a very rapid progress among the sacred order in North Britain: and learning and the fine arts have flourished so much, that our church now affords historians, politicians, connoisseurs in agriculture, tragedy writers, and actors also, equal to any of English growth. This is entirely owing to the free and liberal mode of subscribing the Confession of Faith, which has so happily taken place. For had not this lucky expedient been invented, of subscribing the Confession of Faith, as a matter of *form*, and not as a matter of *conscience*, this church could never have boasted of many of these shining ornaments, and the nation had likely continued in its former uncultivated rudeness and barbarity.

\* A rule of faith being now established, the conviction which the weight of human testimony, and the conclusions of human reason, afford us of its truth, are abundantly sufficient to support us in our religious perseverance; and therefore it must certainly be a great mark of fanaticism, to expect such divine communications, as though no such rule of faith was established; and also highly presumptuous or fanatical, to imagine that rule to be so obscure, *as to need the further assistance of the Holy Spirit, to explain his own meaning.*—The doctrine of grace: or, The office and operations of the Holy Spirit vindicated from the insults of infidelity, and the abuses of fanaticism; by Dr William Warburton, Lord Bishop of Gloucester. Page 88.

I know indeed, that some whimsical people look upon it as downright equivocation, to subscribe the creed of any society, as a term of admission into it, in the way of compliment to the forms of that society, and not strictly in a way of conscience. But this is owing to their affixing too contracted an idea to the word *equivocation*. According to the latest improvements in moral philosophy, equivocation, in some cases, is not only lawful, but laudable; as the reader will see demonstrated in a treatise of moral philosophy written by the late Mr Hutcheson of the college of Glasgow, and recommended by the Rev. Dr Leechman. Equivocation, according to that author's doctrine, is very lawful, when it may be instrumental in preventing danger to society. Now, upon the supposition, that some other fanatical drummer should appear, and take it into his head to libel a clergyman of liberal sentiments, before some Presbytery of narrower principles than that of Irvine; would not the danger of deposition to himself, and the injury which society must thereby sustain, warrant him to ward off the impending blow, according to the example of the great Professor Simson, by declaring his adherence to the Confession of Faith, as the confession of his faith, even although he may have both preached and printed too against the contents thereof, and intends to do so overagain? It is very certain, that the society of Jesus had never maintained such an uniform character for orthodoxy in the Catholic church, had it not been for their fayourite opinion concerning the lawfulness of equivocation. It is well known, that some members of that body have been convicted of treason, others of regicide, and others of rebellion: but I never heard of one of them who was convicted of heresy in divinity, (one excepted, who was wrong in the head); and for this good reason, that when this accusation has been in any instance advanced against them, they have always, with great dexterity, extricated themselves from this inconveniency, by the laudable expedient of equivocation, and thus prevented danger to their society. This is the great security of the Scotch clergy who subscribe the Confession of Faith, in the above-mentioned mannner, that no evil-disposed persons can have it in their power to convict them of heresy; because the same prudent principles which influenced them to subscribe, will readily extricate them also, should they chance to be libelled for either preaching or writing in opposition to their subsciptions. Hence it is, that although several clergymen of liberal sentiments,

have of late been deposed for drunkenness, adultery, and such like crimes ; yet the records of the church, for forty years backwards, do not afford an instance of one of this character being either suspended or deposed from the ministry, for heresy in doctrine ; which is a plain evidence, that freedom of sentiment is the best shield under which a clergyman can secure himself, against the censures of the church, for what the vulgar call error in doctrine.

I have often ransacked every corner of my invention, in order to contrive a method for gentlemen of liberal sentiments, to subscribe the Confession of Faith, though they do not believe it ; and, at the same time, save the credit of their sincerity and ingenuity. At length, after great labour, I persuade myself, I have hit upon a plan, which, I hope, will sufficiently recommend itself to all those gentlemen, for the ease of whose consciences it is intended. I propose (and I beg leave to lay this proposal before the governors of this church), that when a gentleman candidate is to receive ordination and collation to his benefice, he solemnly declare his belief of the Confession of Faith, and subscribe the same, without any objection, scruple, or ceremony. As soon afterwards as he shall find it necessary, (the sooner the better, for the sooner the stomach discharges an unwholesome meal, it is so much the better for the constitution), let him appear before the Presbytery of which he happens to be a member. Having composed his countenance into an air of penitence and contrition, let him voluntarily confess his sin, in subscribing the Confession of Faith, and entreat the Presbytery to disburthen his conscience, by accepting his renunciation of that rash and inconsiderate deed. He may perhaps object, that if he withdraw his subscription to the Confession of Faith, he will not have it in his power to procure a charge of horning against the heritors of his parish, in case they prove dilatory in paying him his stipend. But I hope the gentleman's own prudence will direct him to obviate this inconvenience, by procuring an extract of both his ordination and subscription, at least a whole month before he renounces the last of these. Having got this in his possession, he may safely preach the whole year round, and write also, on occasions, (provided he do it prudently), against the Confession of Faith, and yet all the while receive his stipend punctually. There are some fanatics, I know, in the church, who have not the courage to renounce their subscriptions, merely

for what they call a point of honesty. But will these gentlemen take upon them to charge so many famous English divines with dishonesty, who subscribed the form of Presbyterian church-government, and the Solemn League and Covenant, and afterwards renounced all these? Surely men may change their minds in matters of divinity, as well as in other cases, without incurring such an uncharitable imputation. Therefore to encourage our young clergy to subscribe the Confession of Faith, and to enable them to vindicate their conduct when afterwards they renounce their subscriptions, I have added, at the foot of the page, a catalogue of celebrated names, by way of precedent to authorise this practice \*.

But lest these examples should not be reckoned sufficient authority for the practice I am recommending, I shall add the following history of a clergyman of this church, as an additional sanction to it. The Rev. Mr —, minister at —, when a candidate for sacred orders, cast his eye upon the church of —, which was likely to be soon vacant, by the death of an aged incumbent. Having applied to the patron of that parish for a presentation, that gentleman insisted for an obligation, under the young gentleman's hand, for the sum of fifty pounds Sterling, as the condition of his granting him the presentation; which money was to be paid in the space of — months after his settlement. The unexperienced youth rashly complied with the patron's covetous proposal, without considering, that, in doing so, he was thereby condemning himself to live on bread and water for a whole twelvemonth, by robbing himself of almost a whole year's salary. The consideration of this, together with a demand made by the patron for the 50 l. at the term of payment agreed upon, bore so hard upon the young clergyman, that, at next meeting of the Presbytery of which he was a member, he was obliged to disburthen his conscience, by voluntarily confessing, that he had been guilty of the hainous

\* Dr John Dolben renounced Presbytery and the Covenant, for the archbishoprick of York.

Dr Lamplough, for the same fee.

Dr Ward, for the bishoprick of Salisbury.

Dr Benjamin Parry, for that of Ossory.

Dr Ironside, for that of Bristol.

Dr Cartwright, for that of Chester.

Dr Hall, for that of Oxford.

Dr Williams, for that of Chichester.

Dr Hopkins, for that of Londonderry.

Dr Fowler, for that of Gloucester.

Dr Stratford, for that of Chester.

Dr Huntington, for that of Gilmore.

Dr Spratt, for that of Rochester.

Dr Stillingfleet, for that of Worcester.

Dr Gauden, for that of Exeter.

Dr Crow, for that of Durham.

Dr Kidder, for that of Bath and Wells.

Dr Turner, for that of Ely, &c. &c.

crime of Simony; and praying that the Presbytery would take all proper steps for purging him of this scandal. The case of this Rev. penitent having been heard at the bar of the General Assembly in the year 175--, that Venerable court pronounced his conduct to be downright Simony: but at the same time, on account of the sorrow which he expressed for his behaviour in this unlucky business, they absolved him from the scandal, by declaring the obligation granted by him to his patron to be null and void. This, together with a seasonable admonition, mightily relieved the clergyman's conscience, and enabled him to bilk his griping patron in the sum of 50 l. Sterling. Let every young clergyman, in the article of subscription, imitate this example. Let him subscribe the Confession of Faith, as a punctilio requisite in order to collation to his benefice; and when he finds it convenient afterwards, let him, for the ease of his conscience, make a voluntary confession of his guilt in this particular, to his immediate superiors, and then humbly receive the privilege of absolution.

I am sensible, that there still remains a very gravelling circumstance, in the affair of subscription, which may bear hard upon the consciences of many clergymen of a liberal turn of mind: and that is, their being obliged to declare in public, *vi-va voce*, that they firmly believe the whole doctrines contained in the Confession of Faith. Although I think that this, with some other punctilios, (such as obliging the Rev. candidate to declare, that he has used no influence whatsoever to procure the presentation, in virtue of which he is to be settled, though perhaps it cost him fifty pounds), might, with the greatest propriety, be omitted; yet, as the law rigorously ordains clergymen to make such a public declaration, I shall propose the example of an eminent divine, as a precedent for obviating the inconveniency attending this.

If antiquity can give a sanction to any measure, the following, I hope, will abundantly recommend itself to every Rev. clergyman of liberal sentiments. It is no less than 1400 years since it was first put in practice, by that celebrated divine, the Rev. Dr ARIUS.

That great champion for freedom of inquiry, had the misfortune to be cited before a general council; which, being composed of a parcel of mere fanatics, rashly condemned the valuable improvements which that gentleman had, by his great critical skill, made in the system of divinity. The Emperor Constan-

tine, who is well known to have been a dupe to the priesthood, immediately took an occasion to display his zeal, by ordering the good Dr Arius into exile. Great interest having been used to prevail upon the Emperor to recall him from banishment, he was at length persuaded to consent to his return, but upon this express condition, that he should publicly declare his belief of all the articles of the Nicene creed, and that too in presence of his Imperial Majesty. Rather than continue to suffer all the severities of an unmerited exile, the Doctor, having seriously weighed the matter, wisely resolved to return to his native country, and declare his belief of any creed, even of the Nicene one, though nothing could be more opposite to his private sentiments. But as Constantine had imposed this ceremony on him by way of penance, he very ingeniously contrived the following stratagem, in order to outwit him. For this purpose he extended a copy of his own creed upon parchment, in which he carefully inserted all his own peculiar sentiments, adding at the same time a flat renunciation of all the articles of the Nicene creed, which in any instance were opposite to these. Having procured a large gown, he put his creed into his bosom, and wrapt his gown so tight about his body, that it could not be observed. Thus prepared, he made his appearance before the Emperor, who immediately ordered the Nicene creed to be administered to him, article by article. At the conclusion of every article, the gentleman who read it, asked Dr Arius, " Do you, Sir, believe this, and are you resolved to abide in " the faith of this to your life's end ?" In order to convince Constantine of his sincerity, the Doctor laid his hand upon his bosom, in which his own creed was wrapt up, and, in this posture, replied to each interrogatory, " Yes, Sir, I do believe " THIS, and I am determined to abide in the faith of THIS " to my life's end." Thus the good Doctor was restored to his liberty, without injuring either his creed or his conscience.

In virtue of such an illustrious precedent, I beg leave to propose to Dr R——n, Dr C——e, the Lord Conservator of the church's privileges, and all our chief priests who preside in the great national synod, that they exert all their influence, in order to obtain the sanction of the General Assembly to the following plan; which will, I am persuaded, be a great relief to many tender consciences, which groan under the burden of subscriptions to the Confession of Faith.

I humbly propose therefore, that the Rev. candidate, who

is to be ordained and collated to his benefice, shall be permitted, the day before the ceremony is to be performed, to extend, in private, the confession of his own faith, without being obliged to shew the same to any person whatsoever. In this task, let the gentleman be especially careful to do justice to his own creed, by expressly specifying the various articles in divinity, of the truth of which he is presently persuaded, because otherwise he may be in danger of insincerity and disingenuity. No matter upon what plan his creed is formed, whether that of Dr ARIUS, Dr SOCINUS, or Dr ARMINIUS; provided he firmly believes all the articles of it; for any one of all these will perfectly correspond with the measure which I am proposing. On the morning of the day on which he is to be ordained, when he dresses, let him put a copy of his own confession of faith in his breast, next to his shirt, carefully buttoning his cloaths, that it may not be observed. Or, if it should be the gentleman's good fortune to be translated to this city, or any other, where the clergy wear gowns; let him, in such case, carefully wrap his black gown around him, that the eyes of the vulgar, who are ever jealous and prying, may not discern the innocent artifice. When the pill at length is to be swallowed, in presence of the congregation, and the officiating clergyman reads the articles of the formula, concerning the Confession of Faith, the Catechisms, &c. and then solemnly asks the candidate, "Sir, " do you believe this, and are you resolved to abide in the " faith of this to your life's end?" then, to convince the congregation of his sincerity, let him clap his hand to his breast, and, after making a handsome bow, let him reply: " Yes, " Sir, I do believe THIS, and I am resolved to abide in the " faith of THIS to my life's end." Let the Rev. candidate lay his hand on his breast, at every answer he returns: for it is a very graceful, as well as solemn attitude, for a gentleman to stand forth before a multitude, with his right arm properly elevated, in the oratorial taste, and his hand gently laid upon his heart. Besides, this posture will undoubtedly convince the congregation, of which he is then receiving the charge, that he is laying their spiritual concerns, as well as the doctrines of the Confession of Faith, very seriously to heart.

I shall only add to this plan, a necessary hint to the candidate, as to the form of extending his private confession of faith. As no man is master of his own views of things, but must of necessity change his sentiments, with respect to both

doctrines and opinions, according to the measure of evidence with which these strike his mind ; I am for no clergyman's rigidly binding up his conscience to any system of divinity whatsoever, however liberal it may be, without reserving to himself full liberty of retreating from any of these speculative posts of honour, when he shall find the same untenable, or when circumstances render it inconvenient for him any longer to maintain these. For this purpose, I propose the two following expedients to the Rev. candidate. First, However much, at the time of composing it, he is persuaded of the truth of the various articles of his bosom-creed, let him subjoin the following *N. B.* to every one of these, *viz.* " I believe this, and am resolved to abide in the faith of this to my life's end, provided I find it convenient so to do." My reasons for offering this advice are, that I consider all creeds whatsoever, though they are even of a clergyman's own composition, as a sort of embargo laid upon freedom of inquiry, and a chaining down his genius, as it were, to a post by way of penance. Besides, the gentleman ought not to preclude himself from the benefit of those numerous improvements which are daily made in the system of divinity, by tying down his conscience to any particular creed whatsoever. Nor ought he to deprive himself of the privilege of believing certain doctrines, even in the Confession of Faith, in some after period of his life, however much reason he has to despise these in the mean time. Some very great men have disbelieved these in their youth, and yet, for certain reasons, have found it necessary to adopt them in their old age. As there is no accounting for what the greatest geniuses may do in a state of dotage ; I propose therefore, that the candidate shall reserve to himself full liberty of believing even certain peculiarities in the Confession of Faith, provided he lives to the age of seventy or eighty years, and finds occasion to admit the truth of these.

The second advice which I presume to give the Rev. candidate as to the form of his private confession, is, that he not only condescend upon what he presently believes, but that he also leave a blank in the draught, to be filled up afterwards, with such points of doctrine as he may find it expedient to believe in any time to come. The example of the first Independent church which ever subsisted, will be his authority for this. When that famous ecclesiastical phenomenon first emerged into public view, at Leyden, in the year 1620, the members of

that society (who afterwards transported themselves to America) obliged themselves, by their church-covenant, not only to believe the articles of which their creed then consisted, but those also which in process of time might be added to it. This was an excellent expedient for encouraging the progress of new improvements in the system of divinity ; and I make no doubt, but that it is owing to this, that the Independent churches in Britain have attained to such a degree of purity and perfection in doctrine, that they have reached the *ne plus ultra* in divinity, through the labours of these eminent reformers, Mr Glas and Mr Sandeman. For it is very certain, that these gentlemen have added above a score of articles to the Independent creed, which the ignorance of their predecessors prevented them from knowing, much more from believing. And if these two gentlemen proceed with the same expeditious progress for a dozen of years to come, that they have done for as many past, in refining the Independent system of theology, it is believed their successors will have nothing to do, but quietly sit down and bask themselves under the rays of that meridian splendor of light, which already blazes so bright in all the Independent churches. But as the system of divinity presently authorised in the church of Scotland is still capable of many refinements, I humbly recommend it to all young clergymen to leave a blank in their private creeds, for inserting these, as the progress of polite literature, and the advancement of arts and sciences, may, from time to time, throw new light upon these antiquated doctrines.

I heartily wish, that the General Assembly, instead of caviling about overtures, for easing the consciences of schismatics, who are without the church, would be graciously pleased to give their sanction to the above plan of subscription, in order to relieve the consciences of many worthy persons within it. Numerous advantages would undoubtedly result from the establishment of such a measure. Many of our clergy, upon whose stomachs the Confession of Faith has lain indigested for many years, would thereby be enabled to disgorge the unpleasant morsel, to the very great benefit of their constitutions. Add to this, the benefit which would thereby accrue to the state of polite learning ; by the admission of many young gentlemen, of pregnant parts and liberal sentiments, into the church ; who are at present in danger of being cruelly restrained from freedom of inquiry, by having their geniuses shackled, at their

entrance into the ministry, with the rusty fetters of creeds and confessions. This deserves the more attention, if it is considered, that the provision made by law for our clergy, is, in this age of luxury, far from being competent. What then remains? must they starve? It is not every clergyman's good fortune to catch a deanery, a chaplainship, or an almonership. Is there no way remaining then, by which they may better their circumstances? Yes; let the above-mentioned plan of subscribing the Confession of Faith be once established. When, by this means, genius is left unhampered, let every young clergyman start for the prize of literary fame; the field is open, and the certain path to **GLORY** is already pointed out to them, in a sermon, preached, at the opening of the Synod of Lothian and Tweeddale, by the Rev. Dr Carlyle, minister at Inveresk, and almoner to his Majesty. "What glory," says the Doctor, "may not be won, in that field of distinction so lately opened to the learned of this country, I mean, composition and the art of writing; where the whole range of science is before them, where there are laurels enough to satisfy the most ardent ambition of literary fame? It is here, ye rising hopes of our JERUSALEM! my younger friends, who are still candidates for the ministry, who have forsaken all to follow this ungainful profession, it is here that you must look for your rewards in this world. Here you will find objects suited to your tastes; here you will perceive a shining path to reputation, that will answer the desire of your hearts: for admiration is the passion of young and generous minds; and the love of distinction is predominant with the youth of genius far above the love of wealth \*."

I sincerely wish, that not only the rising hopes of our JERUSALEM, the Doctor's younger friends, but the pillars of it also, who are his elder ones, were so effectually freed from the shackles of creeds and confessions, as that they might safely launch out in pursuit of the wreath of fame, in any one of the branches of free inquiry, to which their genius may direct them. I beg leave therefore to entreat the Doctor will second the above-mentioned plan of subscription, with all his influence in the General Assembly, in order to have that illiberal restraint which presently lies upon genius, entirely removed. And then, I doubt not, but he may have the pleasure which he

\* The tendency of the constitution of the church of Scotland to form the temper, spirit, and character of her ministers, page 37.

so ardently wishes for, even that of seeing both some of the younger, and some also of the older supports of our JERUSALEM, boldly pursuing the shining path to reputation, through every part of the circle of science. I urge this the rather, that this happy nation is now so much enlightened, as to stand in no need of the labours of our clergy in the way of catechising and examination: therefore the clergy have little else to mind, but the glorious contest for the noble prize of literary applause, which the Doctor so justly celebrates.

I hope our youth of genius in the church will tread the path to applause, which the Doctor points out to them, with honour both to their character, and their country. What nobler incentives can be proposed for stimulating them on in this glorious course, than the passion of admiration, and the pleasure of distinction? Is there any pleasure so sublime, so sweet, and refreshing to all the senses of a generous mind, as that of the fragrant incense of the applause of men, when offered by a gazing and admiring world! In opposition to all that antiquated systems of divinity may assert upon this head, I will affirm, that the noble reward, which the Doctor holds out, as a motive for engaging our young clergy to keep the praises of men in their eye, as the high prize of their ministerial calling, discovers very great insight into the knowledge of human nature, and a thorough acquaintance with those springs of action, which animate generous and liberal minds. For, as he justly observes, the love of distinction is predominant with youth of genius; and I must beg leave to confirm the observation, by adding, that this same passion has been the distinguishing principle by which the greatest heroes of antiquity were influenced. Witness the great Themistocles. That illustrious warrior declared, that he reckoned it a sufficient reward of all his military toils, to see the people pointing him out, when he entered the public theatre, and hear them whispering all around, "There goes THEMISTOCLES!" And the celebrated Tully declares, that it was not the spirit of patriotism which determined him to stand forth, in opposition to the conspirators against the liberties of his country, but a desire of erecting a monument of glory to his own name. Let our clergy imitate these illustrious examples; for surely it is but reasonable, that as they have forsaken all, to follow what the Doctor justly calls an ungainful profession, they have their due rewards in this

world, even the sublime pleasures, and solid profits, which usually accompany literary applause.

It has been frequently observed by our neighbours of England, that the church of Scotland long laboured under a great penury of poetic genius. But this reproach has been effectually wiped off, by one of the boldest efforts of tragic genius in the celebrated tragedy of Douglas; where not only the rules of dramatic unity, but of the purest Christian morality, are carried to the highest pitch of perfection. I humbly propose this therefore to the rising hopes of our JERUSALEM, as a model of divinity and morality, as well as tragedy; and the rather, that a successful imitation of it may procure them such rewards in this world, as will enable them, after the example of the learned author, to quit their ungainful profession, and retreat from the fatigues and slavery of the pulpit. Or should the fire of their genius prompt them to tread the arduous paths of epic poetry, I recommend to them that orthodox and laboured poem, the Rev. Dr Wilkie's Epigoniad, which does so much honour to the character of a Christian minister. As this city is now privileged with a licensed theatre, it were to be wished, for the credit of the nation, that our own country could afford materials for supporting the reputation of the inside, as well as adorning the outside, of that rising structure. Mr Ross needs be at no loss to know where to apply for entertainment to this audience. Dr Carlyle, in the above-quoted sermon, has put him on the right scent, by observing, that our clergy are now become the *chief repositories of universal learning*; consequently the church is the great storehouse, from whence the theatre must derive its supplies. I mention this the rather, that I am informed some of our clergy have a very considerable assortment both of tragedy and comedy lying at present upon their hands. I hope therefore Mr Ross, as a friend to trade, will encourage the product of the country. We see what spirited resolutions the Americans have formed in point of domestic œconomy. Why ought not a player also, in his department, to set the same example, in behalf of a country, which generously taxes itself for his support? The obligations which he owes to the Rev. architect who planned his theatre, ought undoubtedly to influence him to give all due encouragement to every tragedy or comedy writer of the sacred order.

Perhaps it may be objected, that if the method of subscribing the Confession of Faith proposed, were to take place by

authority of the General Assembly, some evil-disposed persons among the Seceders, who are no friends to our clergy, might from thence take an occasion of reproaching them with a charge of disingenuity and dissimulation. But, I hope, this will be no discouragement to these gentlemen: for I shall put them in a way of effectually silencing the clamours of Seceders against them on this head; and that is, by telling them, that when they subscribed the Confession of Faith in the method proposed, and then acknowledged their sin in doing so, and received absolution, they only imitated the practice of the Rev. Mr **ADAM GIB**, who first imposed, as he himself acknowledges, upon the Associate Presbytery of Edinburgh, and then disburthened his conscience, by a voluntary confession of the imposition, and was duly purged from his guilt in doing so. And surely there is not a Seceder in all the Association, who will adventure to find fault with this practice, if there is a precedent in any instance of Mr Gib's conduct to warrant the same.

It is certain, that the slips or peccadilloes of a clergyman ought not to be branded with the same coarse names, with which the same crimes, when committed by laymen, justly deserve to be denominated. It is allowed, that the profession and character of the person who commits a blunder, may, in some instances, be an aggravation of the fault; consequently, in some others, these may be an extenuation of it also. This seems to be an established maxim of judgment among clergymen of various denominations; which I shall instruct by two different instances.

The Rev. Mr William Nisbet, a married gentleman, minister at Firth in the Orkneys, had the misfortune to be called before the Presbytery of Cairston, for an affair of gallantry. But in what light did that Rev. court view his amours? Did they brand them with the coarse offensive names of either whoredom or adultery? No; instead of doing so, the majority of the said court, out of mere sympathy with their unhappy brother, protected him as far as the length of the ecclesiastical arm could reach, and refused to declare in a judicial capacity, that Mr Nisbet's cohabiting with an unmarried woman deserved either the one harsh designation or the other. It was reserved for a court of another nature \*, to fall into the un-

\* The judiciary-court at Inverness. The Commission of the General Assembly which met June 3. 1766, having taken into their serious consideration, that the Rev. Mr Nisbet was under a sentence of banishment to the plantations, for the crime of notorious adultery; and considering also, that it would be very indecent to see a gentleman in a black coat and band dragging a plough in America, they or-

charitable blunder, of pronouncing the said Rev. Mr Nisbet guilty of obstinate adultery, and banishing him to the plantations for the same.

This doctrine is supported by the practice of clergymen of another denomination, as well as that of the Presbytery of Cairston. The Rev. Mr John Goodlet, minister of the Associate Congregation at Sanquhar, was unfortunately absent from the meeting of the Associate Synod in April 1766, when the affair betwixt Mr Gib and the pannels was in dependence before that court. Being fired with a just indignation against the pannels for charging his Rev. brother Mr Gib with Jesuitism and dissimulation, merely for writing in private against what he contended for in public, that gentleman wrote an elaborate defence of his doing so, and transmitted the same to Mr Gib; who has favoured the public with a quotation from that performance, a part of which I shall transcribe \*. "If," says that gentleman, "they [the pannels] had been under a necessity to complain of his [that is, Mr Gib's conduct] to the Presbytery or Synod, for his conviction and correction; the same divine law laid them under special obligations, to speak of HIS FAULTS with a becoming REVERENCE, MEEKNESS, and FEAR, as children would do of their parents."

This paragraph (which contains a material defence of the conduct of the Presbytery of Cairston with Mr Nisbet) expresses, in a very concise manner, the delicacy with which the

dained the Presbytery of Inverness to meet in the prison of the said town, and there strip Mr Nisbet of the badges of the sacred order, by deposing him from the office of the ministry, *after giving him a libel, and leading witnesses in proof of the same*. The reason why the Commission did not summarily depose Mr Nisbet, upon the footing of the sentence of the judiciary-court pronounced against him, is, that the sentence of a civil court does not bear faith before an ecclesiastic one, nor with ecclesiastics, in the exercise of their sacred office. In the year 1696, Sir John Freind and Sir William Perkins were hanged, for an attempt to assassinate King William, and died vindicating their bloody intentions; yet Mr Jeremy Collier, a nonjuring clergyman, paid so little regard to the sentence of the court of King's-bench, that he publicly gave these gentlemen absolution at the gallows. And it is well known, that the unhappy Lieutenant Ogilvie, who was hanged in the Grass-market a few years ago, received both the sacrament and absolution also from the hands of Mr Butter, an Episcopal clergyman in this city, though he was found guilty, before the high court of judiciary, of the crimes of murder and incest. Upon the same principles, the Commission could sustain neither the verdict of the jury, nor the sentence of the circuit-court, as an evidence of Mr Nisbet's guilt, nor a ground of deposition against him. For which reason, they appointed the Lord Conservator and Principal Robertson to apply to the commissioners of the customs, for an order to one of the King's cutters to bring over a whale-ship-full of witnesses, from Orkney to Inverness, to be examined by the Presbytery against Mr Nisbet; and from their testimony, the Presbytery of Inverness were enjoined to pass sentence upon him, *as they should see cause*.

\* Refuge, &c. p. 89.

slips of clergymen ought to be treated ; it ought to be with *becoming reverence*. And indeed both the Synod of Glasgow and Air, and the Associate Synod, seem to have made this maxim the great standard of their procedure ; the one with the Rev. Mr Ferguson, and the other with the Rev. Mr Gib. For could any of these Rev. courts have either spoken or acted with more reverence, meekness, and fear of these gentlemen's supposed faults, than they actually did ? Upon the supposition therefore that Mr Gib had been guilty of a little duplicity in his conduct, as the pannels call it ; yet surely the example of these two Rev. courts ought to have restrained them from branding this instance of his behaviour with the scandalous and barefaced names of *Jesuitism* and *diffimulation*. Where was there any evidence, of either their fear or reverence of Mr Gib's faults, in fastening such harsh and oprobrious epithets upon them ? But no wonder that they have cast off all fear and reverence of that gentleman's *faults*, seeing, as is laid in the indictment, they have wickedly shaken off all fear and reverence of his *person*.

The pannels will be apt to sneer perhaps, even at good Mr Goodlet, and ask him, how any faults, either his own or Mr Gib's, can be the object of any man's fear and reverence ? But their absurdity in putting this question, is owing to their not duly attending to the dignity of his person and character, whose faults Mr Goodlet speaks of. Were it the faults of an ordinary person, there might, I confess, be some propriety in the inquiry. But I desire them to remember, that gentleman speaks of a CLERGYMAN's faults, even the faults of one whom they themselves allow to be Primate of all the Association. Now, if Mr Gib's high character renders his person the object of fear and reverence, so must it render his faults also ; and no doubt it is upon this principle that Mr Goodlet justly blames the pannels for not reverencing these.

Mr Goodlet has, with great accuracy and precision, settled the nature and degree of that fear and reverence which the pannels ought to have paid to Mr Gib's faults. It is, he says, a *becoming reverence* ; and as to the extent of this duty, it ought to have been as great as that with which they speak of their PARENTS ; which I suppose he founds on Mr Gib's being a *Reverend Father* to all the Association. There is a difficulty, I own, in determining whether Mr Goodlet intends, by this expression, to censure the pannels, for not speaking of

Mr Gib's faults, with that reverence with which they speak of their parents persons, or that wherewith they speak of their faults. Although the grammatical sense of the expression confines it to the first of these, yet it may, with all propriety, be understood in both senses, as either of these exhibits the guilt of the pannels in a very striking light. For it plainly imports, that had they observed any little mysteriousness or ambiguity of behaviour in the conduct of their parents who begat them, they would have instantly pronounced them Jesuits and dissemblers. I shall not take much notice of Mr Goodlet's observing, that they were obliged, by a divine law, to speak of Mr Gib's faults with fear or reverence; as I confess I know of no law, either divine or human, except the Pope's canon law, which obliges them to do so. I admit indeed, that some casuists in divinity affirm, that mens persons ought to be respected, and good thoughts entertained of their state, when neither fear nor reverence should be shewn to their faults; yea even when both their persons and their faults too have been publicly given, by the Associate Synod, by way of compliment to the devil\*: but as I am no casuist in theology, I shall not transgress the limits of my own profession, by encroaching on any other man's province, in determining the orthodoxy or propriety of this doctrine.

But to convince the pannels, that there is neither disingenuity nor dissimulation in Mr Gib, or any other clergyman's, writing in private against the same point for which he contends in public; I shall shew by example, that there may be a very great propriety of a person's speaking both for and against the same thing, and that in public too. How do the gentlemen of the robe address themselves to their cause at the bar? Is it not commonly, by paying some very high compliments to the *learned gentlemen* on the other side, ay, and to their own client's antagonist often too, although they are to plead against him? Now, would it not be a strange perversion of the meaning of these compliments, to imagine that they were intended either to put respect on the opponents, or to add weight to their arguments? These are just such an honour as the eagle does to the tortoise, when, to add weight to it, she elevates it almost to the clouds, that it may be the more effectually dashed into a thousand pieces, on the rock below. A certain country-

\* See a pamphlet, entitled, *A short conference between the Rev. Mr Adam Gib, and John Rob late tailor in Biggar.*

gentleman of my acquaintance, having a very important cause in dependence before the c——t of S——n, came to town to hear the pleadings in it. Having placed himself at his counsel's elbow, he was, through his ignorance of the *forms* of law, extremely much surprised, when he heard him, not only lavishing his encomiums on the gentleman of the gown, who was to appear against him, but upon that same gentleman's client also, who was his antagonist. After many significant looks of surprise at his counsel, the honest gentleman twitted him by the sleeve, and, with an air of great concern, addressed him; "Sir," said he, "I beg you will remember, that I hired you to speak against my adversary, and not for H I M." "It is no matter," replied the lawyer very gravely; "it will all come to the same purpose in the issue." Now, even upon the supposition, that Mr Gib had wept, written, and spoken, both for the Leith affair, and against it too \*, if all this came to the same purpose in the issue, can the pannels impeach Mr Gib with the least disingenuity in this? I desire they will beware, what conclusion they draw from such premises, lest, in this instance, they calumniate S O M E other persons, as well as the Rev. Mr Adam Gib.

Notwithstanding all the clamour which the pannels have raised against Mr Gib, for drawing papers in private, to invalidate the force of his own arguments in public; yet, I hope, it will be observed, that they durst not allege, that he subscribed any of these. I know indeed they affirm, that he caused these to be subscribed by the Rev. Mr Robertson at Dalkeith †, and some other persons whom they call Mr Gib's tools ‡; from which they falsely conclude, that this was, on the *matter*, the

\* These considerations, concurring with my bodily infirmity, amidst the difficulty which my brethren were in about granting the disjunction,—reduced me to a degree of weakness, which I had never before been overtaken with about any business; that of bursting out into a weeping aloud upon the subject: Insisting also upon this consideration, that a disjoining of Leith people seemed then to me of absolute necessity for extinguishing the flame in Edinburgh congregation.—The libellers are pleased to represent my weeping, as "something of the crocodile's nature; wanting the Seceders of Leith erected into a distinct congregation, that the wreaking of my vengeance upon them might be the more effectual and conspicuous." Ref. p. 38.

† As to Mr Robertson's paper given in at the next meeting of Presbytery; my concern or concurrence in it could not be reasonably charged, as having even the smallest appearance of inconsistency with what is above expressed.

‡ While Mr Robertson's paper is called my *workmanship*, and he a *dupe* to me in copying over and subscribing it; we may be very indifferent about such scurrility.—I never proposed to him, directly or indirectly, the giving in of any such paper; nor had I the remotest view of any paper to be given in upon the subject, by either him or me, till he told me that he found himself obliged to do it; and it was not till I heard it read in the Presbytery, that I came to a determination of adhering

same as if he had subscribed these himself. But granting, that those persons who subscribed these papers, were Mr Gib's tools, (which, by the by, is no disparagement to Mr Gib, for the most consummate artist cannot work without tools); yet it will not follow, that he *materially* subscribed the same \*. This pen with which I presently write, is my tool. Let it be supposed, that a rogue, in my absence, finds access to my writing-chamber, forges a bill of 1000 l. in my name, and subscribes it too with this same writing-tool. Will it follow, either in law or reason, that I have *materially* subscribed that draught, because it was done by my tool?

The pannels have thought fit also, in their *printed Reasons of protest*, to charge Mr Gib with dissimulation in appointing themselves agents for assisting the Seceders in Leith, in prosecuting a disjunction from Mr Gib's congregation, while he was determined, that they should feel the effects of his resentment, if they either accepted such commission, or acted according to its instructions. It is granted, that Mr Gib did subscribe the same commission †, from which the pannels draw this ill-natured

to it. I knew the first draught of it beforehand, of which I afterwards found he had made alterations; I know of none whom I am answerable to, for assisting any of my brethren, at their desire, in framing papers: and I know of none who can reflect upon it, confidently with any tolerable cast of good manners toward them or me. *Ref. p. 45.*

\* “ But they were extremely unwilling to answer it as mine.” And what necessity could they be under, yea what decent occasion could they have for doing so? On the contrary, might they not have answered it with a little more freedom as the paper of these four men, than they could have decently done as mine? Or had they not, according to their view of the paper, the far fairest opportunity of besabouring me, when they got me under the disguise of these four men? But was it ever heard of before,—that not the subscribers, only the drawer of a paper is to be dealt with in answering it? And can the mere drawer of a paper be answerable for the contents; though neither blasphemous nor treasonable, subversive of neither faith nor morality? Must the mere drawer of a paper be chargeable with the sentiments and opinions which it contains, as all his own? *Ib. p. 42.*

† Reference by the Session of a Petition from Leith, to the Presbytery.

In the New Session house at Cross-causey, April 15. 1765.

*Hora 3tia post meridiem.*

THE Session of the Associate Congregation at Edinburgh being met, there was laid before them a petition, subscribed by forty-two members of the said congregation, residing in and about Leith, craving, for the reasons mentioned in the said petition, that this Session may represent the same to the Associate Presbytery of Edinburgh, for obtaining appointments of preaching at Leith.

After some deliberation on this affair, the Session agreed in referring, as they did and hereby do refer the said petition, to the Rev. Presbytery, to meet here on the 7th day of May next; and they make the reference with an expression of their satisfaction, that the Presbytery should give all encouragement to this petition which they can find proper, and that they should grant a disjunction to the Seceders in and about Leith, for erecting them into a distinct congregation, as soon as they can see cause.

red inference; but does he not explain his conduct in this, to the satisfaction of every unprejudiced person, by informing the public, that he did this in a way of IRONY \*? Had the pannels known the rules by which both ironical words and actions are to be explained, they had never blundered so egregiously, as to charge Mr Gib with disimulation, either for speaking, or even subscribing his name, in a style, in which very grave persons have both spoken and written, without incurring any such invidious imputation †. But, say they, was it ever known that an ecclesiastic court passed an ironical act or decree; or that the conscience of a Presbyterian minister could permit him, either to speak or subscribe his name ironically, when sitting in judgment?—I am not obliged to determine what the conscience of a Presbyterian minister may, in *certain*

And whereas the moderator insisted upon it, as a condition of his consenting and concurring to this affair, that all elders and other members of this congregation in and about Edinburgh, shall be at freedom to attend any occasional dismission of ordinances at Leith, in consequence of the said petition, without being liable thereby to any charge of scandal; and that, in case of erecting a new congregation at Leith, in consequence of the present reference, they shall all be at freedom to join themselves to the said congregation, without being liable to any quarrel for so doing, providing they abide by that choice when once made;—and that all other persons within the bounds of this congregation now at Edinburgh, who shall hereafter apply for being received into the Secession, shall have the same freedom; the Session referred this matter, for the moderator's satisfaction, *simpliciter* to the judgment of the Presbytery. *Extracted by*

(Signed) ADAM GIB, *Modr.*

In the Session-house at Cross-causey, May 6. 1765, *hora 4ta p. m.*

THE Session appointed T—s K—r, A—w B—n, and R—t M—n, to concur with Nicol Houston, the Presbytery elder, before the Presbytery, in assisting the petitioners from Leith, conform to the satisfaction expressed in the reference.

(Signed) ADAM GIB, *Modr.*

*Reaf. of prot. p. 94.*

\* My naming three of them to concur with the fourth, in assisting the Leith petitioners before the Presbytery, was, on the one hand, from a most earnest concern for their succeeding; in the sense which I have already explained.—On the other hand, my doing so was the only habile way I now saw left to me, for expressing my dissatisfaction with the spirit which they appeared to be of; and for setting them a thinking more cogily, more seriously, on what they were about. It was principally their spirit about Leith affair, which produced the necessity of giving way to it; nor can I yet think, that there would have been any considerable difficulty in bringing the people there to a peaceable dropping of their scheme, if it had not met with such partisans in the Session: and as my words were now of no consequence to make any impression upon them—I was left to try what my actions might do, in giving them their tether-length. Nor can they reasonably pretend, that my singling them out with such a view, from such dissatisfaction,—was any way a secret to them. *Ref. p. 24.*

† I took notice of the mark of dissatisfaction or displeasure with their conduct in Leith affair from the beginning, which my very nominating of them for commissioners did plainly bear, all circumstances of the case considered. *It.*

cases, permit him to do: but sure I am, that in a higher ecclesiastic court, than even the Associate Synod, some acts have received the voices of *many* members in a way of irony. Witness that clause in the schism-overture, which represents the church of Scotland in danger, from the many Seceding and other schismatic meeting-houses in Scotland: a matter which many members (as I would have done myself, had I been a member) admitted as a truth only in the way of irony. The pannels will, it is likely, allege, that ironical decisions of a court must be utterly unintelligible to the greatest part of mankind. But I ask, may not the same objections be offered against some of the acts of the legislature itself? Are the whole ~~f—y~~ of A—s able to explain, in a satisfactory manner, the window-tax act, with its several appendages? This argument therefore, that an ironical act of a court argues disingenuity, because it happens to be unintelligible, proves by far too much, and consequently proves nothing at all to the purpose.

But the pannels are pleased to charge Mr Gib with dissimulation in another instance; that is, his imposing on the Associate Presbytery of Edinburgh, and hoodwinking them \*, as they expressed it, by his public appearances in behalf of the Leith scheme, while he was under covert offended with the Rev. Presbytery for taking those very measures in that affair, which he himself had publicly influenced. It must be granted, that Mr Gib did impose upon the Presbytery, (for the Rev. Mr Robertson found it necessary to charge him with this, and he himself was pleased to confess the truth of it †). But the Presbytery were not so uncharitable as the pannels have been, to call this instance of Mr Gib's conduct Jesuitism or disingenuity: which is a plain proof, that the Presbytery were convinced, that, in hoodwinking them, he did nothing amiss. It is true, indeed, they thought fit to express their *disapprobation* of his conduct in *imposing* on them ‡; but had he been guilty of the least diffi-

\* My brethren reflected upon me, as having left them to be ensnared, or hoodwinked. *R. f. p. 2.*

† The matter is as follows.—Mr Robertson's paper contained the following article about me, *viz.* “I cannot help thinking, that this Presbytery have been also imposed upon by the moderator of that Session, and driven to precipitant measures: in his insisting so very strenuously for the receiving of the said petition, and granting the desire thereof, when it was first presented to the Presbytery: as it is now evident, that his behaving so was not from any real satisfaction with that affair.” *Ib. p. 35.*

‡ Then Mr Gib desired it might be marked,—"That as to the complaint which Mr Robertson's paper contains upon him, he finds himself obliged to acknowledge the truth of the facts; and submits the merits thereof to the Rev. Presby-

mulation in doing so, it cannot be supposed that they would have passed him with a censure \*, which, though slight in itself, yet it was bold enough in them to inflict, in the present case. I cannot help observing, that the pannels ought to have made a very different improvement of Mr Gib's acknowledging his imposition on the Presbytery, than charging him, from this circumstance, with dissimulation. Had they duly considered this, it might have put them to shame, that they could never be brought to confess, before the same Presbytery, a much greater crime, namely, their own haughty, supercilious, and brow-beating manner.

For there may be a species of imposition or hoodwinking, not only in itself very innocent, but very necessary too, at least as innocent as any thing of that nature can possibly be. Such, I humbly conceive, was the Rev. Mr Gib's imposition on the Associate Presbytery of Edinburgh. For what, I pray, did it cost him? Not one grain of sincerity; only a few speeches in public, a few tears, and a few papers drawn in private against both these; all which were no great matter for gaining an important end. Besides, it must be remembered, that there is no great degree of address requisite to enable one to impose upon **SOME PERSONS**; for if a man either has no eyes, or dares not open them, it is not a difficult task to keep him in darkness.

But I am able to shew, that there may be not only a degree of imposition on the Associate Presbytery, but even upon a body with many more eyes, that is, the public; and yet neither Jesuitism nor dissimulation in the attempt. For instance, the pannels thought proper to charge the Rev. Mr Gib with being the author of a certain pamphlet, entitled, *Up and war them a', Willie*, merely for the spiteful pleasure of telling the world, that his page was ornamented with quotations from an obscene song. No person can read the answer which Mr Gib made to this in-

"  
" tery: and as to the said paper otherwise, he declares his adherence to it; as  
" a necessary record of the genuine state of matters about the application from  
" Leith." " After this it was moved and agreed to,—that the Presbytery express  
" their dissatisfaction with Mr Gib's former conduct; in his having insisted so  
" strenuously for the petition from Leith, when it came first before the Presbyte-  
" ry,—while he now acknowledges, that it was in the manner expressed in Mr  
" Robertson's paper." *Ref. p. 36.*

\* It is now time for considering a little the import and effect of the Presbytery's admonition. And, 1. It was, with respect to me, an admonition in the strict sense of the word, or an admonition implying censure: because it found particular fault with me,—as not having used due " freedom and plainness with the Session about the affair of Leith, at the beginning of it." *Ib. p. 60.*

vidious charge, without admiring and applauding his discretion. “ It was the first time,” says he, “ that ever I heard of such a thing \*.” No sooner had the pannels read this (such was their weakness), than they began to exult, and to boast that now they could prove Mr Gib guilty of disingenuity, in refusing to acknowledge a pamphlet, of which he was the undoubted author; and so they thought they had caught him tripping. But their triumph was too premature; for Mr Gib’s words are capable of two senses, quite different from that which they affix to them. They import, either, that their laying this pamphlet to his door in print, was the first time that ever he heard publicly that he was known to be the author of it, or that it was the first time that ever he heard it publicly, that the ballad quoted in it was an obscene one. Might not all this be truth; yea was it not *all truth*? Charity will surely take every thing by the best handle; and I will venture to affirm, that no persons, except such as are as captious and uncharitable, as the pannels, could ever have taken an occasion, from the above-mentioned expression of Mr Gib’s, to charge him with dissimulation. For I firmly believe, that he never heard before this time in print, that he was known to be the author of such a pamphlet; and I am as firmly persuaded, that none of his familiar friends were ever guilty of such an instance of indelicacy, as to inform him, that the world supposed him the parent of a performance, which claimed any degree of kindred with obscenity.

But even supposing, for the sake of argument, that Mr Gib was the author of the above pamphlet, *Up and war them a’ Willie*; yet I will affirm that there was a much greater crime, in their laying this fatherless bantling to Mr Gib’s door, than in his being actually the parent of it: for, as Mr Gib observes, their design in doing so, was to give a sneer at him, as an *impious person*; an end which, I am sure, no means whatsoever could possibly sanctify †: whereas, it is believed, that Mr Gib wrote that performance by way of cordial for the support and comfort of his Rev. brother, Mr John Muckarsie, minister in the Associate Congregation at Kinkell. Mr Gib justly observes,

\* Yea, they go most shamefully off their subject, to take notice of a ludicrous sheet “ published in winter 1766;” which they say “ common fame ascribes to Mr Gib as the author;” the first time ever I heard of such a thing. *Ref. p. 136.*

† And then they give a most false account of that paper, for the sake of bringing in a sneer at me as an *impious person*, as if any thing could serve such a purpose. *Ib. p. 136.*

that the pannels give a false account of that paper, by representing the refreshing quotations with which it is interspersed, as being taken from a bawdy song. For proof of this, I only refer the reader to the song itself, viz. *Mr Allan Ramsay's additional cantos to Christ's kirk on the green*: an author who is well known never to have dealt in obscenity, or any thing which could have the remotest tendency thereto. I doubt not indeed, but that there may be spurious editions of Ramsay's works, and that the pannels may have procured one of these to serve a turn, and from it have formed a judgment of that author's purity and delicacy. But I will even suppose, that the pannels had the privilege of dealing with the Rev. Mr Gib, as he informs the public, he dealt with a certain person of this city, when he procured a WARRANT (it was not a GENERAL one; that gentleman had too much wit to be caught in the E—l of H——x's snare) to open his repositories, and search his private papers, when that same person was in London \*. Yet, even in such a case, I could risk an hundred pounds, that they should not find Allan Ramsay's works in Mr Gib's library; or if they did, I am perswaded they would find them, with this *nota* on the title-page, *Prioribus multo emendatior*; that is, the indelicacies and double entendres of former editions, *corrected with Mr Gib's own hand*. But I know they dare not risk an hundred shillings against my hundred pounds; or if they will, I desire they may notify the same to me, and I shall give an order for 100 l. on my banker, and as readily procure a sheriff-warrant for examining Mr Gib's library, as he did one for searching that person's private papers.

—PROVIDED always, as it is hereby EXPRESSLY PROVIDED, that Mr Gib shall have taken a journey to London, at the time of the publication of the premises.

It is surprising to observe, what invidious constructions malice is capable of putting on the most innocent and best intended actions. The charge of disingenuity, which the pannels have advanced against Mr Gib, for interlining but a single sentence in the minutes of the Associate Synod, is an affecting proof of this. The pannels have not scrupled to call this a *corruption* of these minutes; and from this matter, small as it is, have taken an occasion of overwhelming both Mr Gib and the Associate Synod with a torrent of abuse. What kind of a court, say they, must that be, who leave it to one party to fa-

\* See *Refuge of lies, &c.* p. 154.

briate and alter the minute of a deed concerning himself? What degree of honesty or delicacy can that person be possessed of, whose conscience can permit him to foist additions into the minutes of a cause, in which himself was a party, and that too several months after the cause was determined?—Although I might leave these, and such like impertinent questions, to be answered by **SOME OTHERS**; yet the unreasonableness of the pannels in putting these, is so obvious, that I shall put them to silence, by briefly mentioning the arguments by which Mr Gib has so fully vindicated his conduct in this affair.

It is granted, that some time after the affair betwixt Mr Gib and the pannels was decided by the Associate Synod, he did interline that part of their minutes, which respected this affair. But what, I pray, was the import of this interlined addition? Nothing, I am sure, could be more proper, nothing more necessary, than to add a word or two, in order to make the design of the Synod, in that minute, perfectly intelligible to all. Their design plainly was, to stigmatize the pannels for their overbearing and browbeating **MANNER**; but unluckily the way in which their clerk had expressed this, did not sufficiently answer the end. Mr Gib therefore found it necessary, for the ends of **EDIFICATION**, to supply this defect, by adding a clause, which rendered the pannels as infamous, as it was in the power of the Associate Synod to make them, and as in justice they deserved to be. Now, as Mr Gib knew this was the great design of the Synod in that minute, where was the harm of supplying such a material omission, even at the distance of some years, after the deed was passed? Does he not inform the pannels, that, by his interlineations, he only “expressed the matter, as he was sure it behoved to be meant \*” by the Synod. They have no reason, then, to complain of the Synod’s empowering Mr Gib to supply the defects in their minutes, even in a cause in which himself was principally concerned; for, as he justly observes, he was a *member of court*, as well as a party in that affair.

Whatever the pannels may think of their conduct, in impeaching Mr Gib with disingenuity, for interlining the minutes of the Associate Synod; yet I will venture to pronounce it a crime of the same nature with that for which several members of parliament have been justly sent to the tower of London, by the house of Commons; I mean a **BREACH OF PRI-**

\* **Refug<sup>e</sup>, &c. p. 153.**

**VILEGE.** For I can prove, that, for the space of 20 years past, Mr Gib has enjoyed the privilege of altering, correcting, and amending the minutes of the Associate Synod from their preceding to their subsequent meeting ; and that the said Synod considers Mr Gib's friendship in this, as *an acceptable service to them*. The pannels will be apt perhaps to SNEER at this, as a reflection upon the Associate Synod. But I affirm, that, so far from detracting from the abilities of that worthy body of men, it is an evidence of their great caution and deliberation in judgment ; in that they permit no deeds of theirs to have full effect, until these have been half a year in Mr Gib's custody, and have been accurately weighed and examined by him.

There is the greater necessity for this, if it is considered, that Mr Reid, their clerk, is known to be a notorious BLUNDERER, and can hardly minute any thing with exactness, as Mr Gib hints, but matters of *common form* ; such as, *Hora 10ma ante meridiem*, or *Hora 4ta post meridiem*, *Sederunt* \*, &c. And I cannot help thinking, that his prudence and discretion are much of apiece with his abilities as a clerk, else he had not been so weak, or rather wicked I may call it, as to inform the pannels, that Mr Gib had interpolated the minutes of the Associate Synod ; far less would he have shewn them these interlined by that gentleman's own hand, and thereby unjustly exposed him to the vile slander of disingenuity, and the Rev. Synod to the imputation of injustice. But I hope the Synod will, in due time, reward him according to his deserts.

I know indeed, that, for this same crime, the Synod have already reduced Mr Reid to **H A L F - P A Y** †. But this pu-

\* It had been usual with me, for upwards of twenty years,—to assist the Synod-clerk, at his desire, in preparing the draughts of the minutes, *upon all matters that belonged not to common form*. He used to give me his draught, which I returned with amendments ; and of which he made out a clean copy, for the ensuing meeting of Synod. I made whatever alterations and additions I thought necessary,—to guard against any thing defective, ambiguous, or improper, in the way of expressing what the Synod had done : all which was lying open to their correction and amendment, at their next meeting. And I imagine I had been all along looked upon, as doing an *acceptable service*, in this matter, to the Associate Synod. *Ref. p. 153.*

† The Associate Synod had other reasons for punishing their clerk with the loss of half his fees, beside those mentioned by the authors of the Reasons of Protest. It seems he is by occupation a printer. Although he had been a witness to the process betwixt Mr Gib and the pannels, and knew well the terms on which they stood, both with him and the Synod ; yet, contrary to great personal obligations to that gentleman, (of which he has put him in mind in print), and the duty which he owed to the Synod, he boldly presumed to allow the pannels the privilege of his press, even after that Rev. court had denied them the privileges of the church. As the Synod had reason to consider their clerk's conduct, in this affair, as a re-

nishment is far from being adequate to his guilt. Therefore, as the Associate Synod is to meet on the 30th of August next, I humbly propose, (and I intend to transmit my proposal to their committee of overtures), that the said John Reid, their clerk, shall be then and there finally CASHIERED, and dismissed the service, in manner following.—At the fullest federunt of Synod, (and may there be a thousand witnessess to his infamy on that occasion !), let the foresaid John Reid be brought to the bar of the said Synod, holding a pen in one hand, and an ink-pot in the other. Then let either Mr Gib, or the moderator, break the pen over his head, and empty the ink-pot in his face : let a sheet of paper be affixed to his breast, by way of label, with this inscription, in legible characters, THE REWARD OF UNFAITHFULNESS AND INSUFFICIENCY ; and then let the Rev. the Associate Synod declare him incapable of ever afterwards serving the KING, even in the post of a common beadle or doorkeeper.

In order to demonstrate the malice of the pannels, in the abominable charges which they have publicly laid against Mr Gib, for adding a single sentence to the minutes of the Synod ; I will admit the truth of his doing so ; and vindicate his conduct too, in this instance, by a precedent of very considerable importance. It has been affirmed, that Father Peters, confessor to James the Seventh, used certain freedoms with the English coronation-oath, before it was administered to that prince, (for he never took the Scotch coronation-oath, as is evident from the act of parliament *1 mi Guliel. & Mar.*) - But as Peters was a son of Loyola, or, in other words, a JESUIT, and some evil-disposed persons may be apt to make odious comparisons, from the very smallest circumstances, I shall not ap-

versing, upon the matter, their sentence, with respect to the pannels, so far at least as was competent for him to do ; they had good ground to call him to account for his behaviour in this matter, and to chastise him, according to the demerit of his crime. Some persons indeed have thought fit to represent this step, as an uncommon method of procedure in an ecclesiastical court, to punish any man in his purse, and thus injure his outward circumstances, for an error in his judgment. But even this mode of bringing men to reason for their faults, is not without a precedent. Besides, the Synod cannot justly be charged with doing any prejudice to the interests of Mr Reid's pocket - For they had reason to believe, that his profits in printing the pannels Reasons of protest against their sentence, would amount to more than an equivalent to the half of his emoluments, as their clerk, of which they had deprived him. So that the Synod may be considered as having still hitherto, for all his crime, generously paid him the whole of his salary, in as much as their sentence upon the pannels has eventually afforded him the same profits, which as clerk he formerly enjoyed, if not more, before he was deprived of the half of his fees.

ply this to the matter in hand. I can instruct the propriety of Mr Gib's conduct, by the example of a person of much higher rank than Father Peters; and that is the famous Dr Laud, **Archbishop of Canterbury, and Primate of all England.**

In the coronation-oath of England, as it was sworn by Edward VI. Queen Elisabeth, and James VI. there were certain clauses respecting the liberty of the subject, and the security of the Protestant religion. But as these matters were expressed in the old-fashioned barbarous style of English lawyers, the good Abp Laud, in order to accommodate the oath to Charles I.'s understanding, smoothed the asperities of the language, by interlining these words in the oath, **AS AGREEABLE TO THE KING's PREROGATIVE** \*. Which, if I may use Mr Gib's words on such an occasion, Charles I. undoubtedly reckoned "a very acceptable service to him." For, from the time of his accession to the throne, to the year 1640, we do not find, that either the King or his council, nor even his parliament, considered it in any other light. Now, let the reader compare these two cases together, and he will find the parallel between them in more instances than he is aware of.

It has been observed, that there is often a surprising similitude between great characters; and perhaps there has seldom occurred a more striking instance of this, than in the present case. For, 1. The person who interlined the coronation-oath of Charles I. was Primate of **ALL** England. Mr Gib fills the same high station in the Associate Synod; consequently he might as warrantably *interline* in the one case, as the Archbishop might do in the other. 2. The deed interlined by Laud, was a solemn oath. And was not the minute of the Associate Synod which Mr Gib interlined, the same, at least in its consequences? Did not the Seceding congregation at Cross-causey, as in duty bound to Mr Gib, and as required by a decree of the Associate Synod, openly take the sacrament, upon the footing of that minute, and that same interlineation too, as it was afterwards explained, ratified, and confirmed by their act, April 9. 1767? 3. I desire the reader will attend to the nature of the oath which Abp Laud interlined; it was a **CORONATION**-oath. And what, I pray, was the nature of that minute of the Associate Synod which Mr Gib interlined? was it not a most solemn deed, whereby that Rev. body **CROWNED** Mr Adam Gib with the ecclesiastical mitre of supremacy over

all the judicatories of the Secession, both supreme and subordinate, as the Reader will see proved even from the pannels own **REASONS OF PROTEST**? 4. There is something very remarkable in the coincidence between the very scope of the words which the Archbishop interlined in the coronation-oath, and those which Mr Gib added to the minute of the Associate Synod. The Bishop's supplement was, "as agreeable to the " King's prerogative." The scope and tendency of the addition to the Synod's minute, was precisely according to the tenor hereof; that is, it was agreeable to Mr Gib's just prerogative over the Associate Synod. 5. Abp Laud was such an eminent sufferer in behalf of religion, that a certain English historian calls him, "that blessed martyr of the church of England." In like manner, as appears from Mr Gib's own words \*, he may, with the same justice and propriety, be denominated, *that blessed martyr of the Association*. 6. The Archbishop, out of his zeal for Episcopacy, was very justly reckoned the principal instrument of kindling that fatal war, which took place betwixt England and Scotland in the year 1636; by which the two nations were involved in much bloodshed and confusion. In this instance, I own, the cases are not precisely parallel: for although Mr Gib's zeal for Presbytery, in the year 1746, kindled a war between the one half of the Seceders and the other, yet it was attended with no bloodshed; for although the *fword* was very liberally used at that time, yet the edge of it happening to be blunt, it did no manner of execution, although it has cost the Associate Synod ten thousand prayers to sharpen it. And sure I am, if that memorable intestine war which Laud kindled betwixt the two nations, was justly called *bellum Episcopale*, or the BISHOP's war; that kindled among the Seceders by Mr Gib, with much more propriety deserved the same name. 7. The Archbishop was charged, at his trial, by the managers for the house of Commons, with drawing arbitrary speeches for the King. So the pannels have laid a charge of much the same nature to the door of the Rev. Mr Adam Gib.—Thus then it appears, from a peculiar coincidence of character and circumstances, that whatever arguments have been adduced in behalf of the Archbishop's *interlining* the

\* I have had uncommon suffering in this affair; having been in some measure made a gazing-flock, both by reproaches and afflictions,—more, perhaps, than any other of my character at this day. *Ref. p. 192.*

I leave others to judge, how far I have deserved it at the hand of the Secession-body. *Ib. p. 193.*

coronation-oath of England, may with the very same propriety be offered in behalf of Mr Gib's interlining the minutes of the Associate Synod. I know indeed, it may be objected, that the freedom which the Archbishop used with the coronation-oath, was one of those articles of impeachment against him, in consequence of which that blessed martyr was brought to the scaffold. But I desire it may be remembered, that although the Archbishop lost his head for this, and some other things; yet it was in a period of anarchy, when the constitution was entirely unhinged, and the King's laws could neither protect himself nor his servants. Monarchy, at that time, lay bleeding under the feet of the LONG parliament; no wonder then, that the head of the hierarchy was brought to such an undeserved end. There is no accounting for the corruption and degeneracy of particular periods. There have been corrupt times, and I shall not be surprised if there be the same again; ay, and to such a degree, as that, in some after period, posterity may complete the parallel between these two great clergymen, by treating the Rev. Mr Gib's memory in the same manner, in which the Long parliament treated the good Archbishop's person.

### S E N T E N C E.

THE Associate Synod being met at Edinburgh, April 9. 1767, and having taken the above articles of indictment into their serious consideration, did, by their act of that date, find and declare, That the pannels, T—s K—r, A—w E—n, and R—t M—n, are guilty, A R T and P A R T, of the numerous crimes of sneering, overbearing, browbeating, &c. &c. as laid against them by the Rev. Mr Adam Gib: but as they found it *neither practicable, nor for edification, to make out a particular inquiry into the truth of these crimes* \* alleged against the pannels; they therefore prayed the Rev. Mr Gib, that, in virtue of the high powers wherewith they have invest-

\* And in regard that several facts, relative to the decision of the Synod in April last, appear to be still disputed by the different parties whom the said decision respected,—while the Synod find it neither practicable nor for edification, to make out a particular inquiry into the truth of these facts; that they therefore require Mr Gib to pass over any injury he thinks he has received by said decision,—and for peace-sake to pass from his protest, withdrawing it, with all his papers respecting the same: and that they express their dissatisfaction with the undutiful and disrespectful treatment which Mr Gib has met with, during the whole course of this affair. Ref. p. 124.

ed him, he would graciously pardon any steps which they may have unwarily taken, in this affair, contrary to his inclination. IN CONSIDERATION of which favour, the Rev. Synod did unanimously decree, (excepting two who did not vote), That the foresaid pannels, T—s K—r, A—w B—n, and R—t M—n, shall be brought to the bar of said Synod, and then and there have their characters HANGED, DRAWN, and QUARTERED; that these be divided into pieces; and that a piece of each of these shall be fastened to the sounding-board of every Seceding pulpit in Great Britain and Ireland, there to be exposed by way of infamy, to the terror of others for committing the like in time coming. And they require the Rev. Mr Gib, to see that this sentence be exactly executed, according to the haill tenor thereof.

N. B. In consequence of the trust reposed in him, the Rev. Mr Gib did put this sentence in execution, so far as it was possible or competent for him so to do, by publishing a writing for that effect, dated, *Edinburgh, February 26. 1767.* signed **A D A M G I B**, and entitled, *A refuge of lies sweeped away, &c.*

#### D E F E N C E of the above Sentence.

IT is astonishing to hear what a hideous outcry the pannels, and some other clamorous persons, have made against this same equitable and righteous decision: A sentence, I will affirm, so agreeable to justice, so conformable to the rules of the Associated church, and the dictates of common sense, that I may venture to defy them to find a parallel to it in the practice of any court, either civil or ecclesiastical, in the like circumstantiate case. The pannels have suggested a variety of impertinent objections against the same, which I can hardly transcribe, without first asking pardon of the reader.—How, say they, can any court judge of a caufe, without previously inquiring into the truth of those facts, in which the merits of it consist? How can men judicially pass a sentence, without first informing themselves of the grounds upon which that sentence is to be pronounced? How can any ecclesiastical court, in a consistency either with form or equity, find and declare any persons guilty of any crimes, without any judicial evidence that they have committed these?—The indecency of the language calls me to stop; therefore I shall give both a sufficient and a sa-

tisfactory answer to all these impertinent interrogatories in three sentences. 1. It was not expedient for the Associate Synod to inquire into the truth of the facts alleged against the pannels by Mr Gib, for this good reason, that such an inquiry was impossible in its nature. 2. It was not for edification to make such an inquiry. 3. There was no occasion for the Synod's doing so, inasmuch as they had all legal evidence of the truth of these facts, on the testimony of the Rev. Mr Adam Gib.

It was not expedient for the Synod to make a particular inquiry into the truth of those facts charged upon the pannels by Mr Gib. This will appear as plain as sunshine, if the nature of those facts is properly attended to. They consisted in " something habitual of an overbearing manner of behaviour, with bant or browbeating, where others concerned were of different sentiments \*". Now, I appeal to the judicious reader, whether or not it was possible, for any court upon earth, to parcel out this charge into different parts, and then make a judicial inquiry into the truth of these. Had the pannels deliberately weighed Mr Gib's reasonings on this point, they had never made such a noise about the Synod's refusing to make a particular inquiry into the truth of those facts, upon which they passed sentence against them. For, as that gentleman very justly observes, " a supporting of this article by particular instances, was not agreeable to the nature of it. The thing complained of was ONE thing; which, according to the nature of it, would come to be lost and evanish,—just so far as it should be distinguished into a number of things. Such an article, in its very nature, was not to be supported by a number of particular instances; for how many could be said to make up something *habitual* in the *manner* of behaviour \*?" Had the pannels understandings been but of the ordinary size, they must surely have comprehended the force and propriety of these plain, demonstrative, and irresistible arguments. For with what shadow of reason could they call so loud for the particulars of a charge against them, which, as Mr Gib informs them, cannot, in its nature, admit either of speciality or particularity? Does he not inform them, that the accusation which he preferred against them, was ONE indivisible thing, not to be split into parcels without destroying it? Is there not a nameless something in a man's air and looks, which the most consummate physiognomist cannot particularly describe in words;

and yet this same peculiarity may be very disagreeable and offensive to such a delicate conscience as Mr Gib's. Besides, as that gentleman observes, can the pannels determine the precise number of instances, which constitute a HABIT of browbeating and overbearing? It is plain, then, that had Mr Gib condescended upon particular instances of this hateful behaviour, or had the Synod judicially inquired into the truth of these, the whole charge advanced by him against the pannels had been lost. Just as a pound of quicksilver when preserved in a phial, is useful; but when scattered in different particles on the ground, is good for nothing; or as a watch is useless for the purpose of measuring time, when lying in so many disunited pieces, upon the artist's table.

But to this must be added, that the above sentence of the Associate Synod is capable of the plainest defence, upon the grounds of *general edification*. Is it possible, that the pannels need to be informed, that the edification of the body is the grand rule and standard by which all ecclesiastical courts are directed in their decisions? I am able to shew, that this same sentence, of which the pannels so bitterly complain, was strictly agreeable to this approved maxim. I shall illustrate this by a case somewhat parallel. In 175—, the settlement of the parish of —— came before the General Assembly of the church of Scotland.—The presentee appeared under some small disadvantages to his cause, by having only the exciseman, the parish-beadle, and some few non-residing heritors, as subscribers of his call, while the whole parish were almost to a man point-blank against him. But this inconvenience was sufficiently compensated, in the judgment of the Assembly, by the weight and importance of a Noble patron. Parties having been heard, the cause was decided by a vote, and the settlement carried in behalf of the presentee, by a majority of fourscore and six voices. Now I ask, was not this same settlement agreeable to the *general edification* of that Venerable body? It is plain it was so, by the very considerable odds of eighty-six members of court. In like manner, when the Associate Synod pronounced that memorable sentence, condemning the pannels, and yet at the same time refusing to inquire into the truth of the facts, upon which they did condemn them; was not this procedure agreeable to the *general*, yea to the *universal* edification of that Rev. body, excepting the two members who did not vote? The plain design of putting any question to a vote, in an ecclesiastical court

is, that it may be determined which side of the cause is for the general edification. Accordingly, if the matter is decided even by the majority of one voice, it is obvious, that such decision is agreeable to the general edification of the court; for it cannot be supposed that any member of a court will give his vote against his own edification.

The pannels have thought proper to represent this decree of the Associate Synod concerning them, as a flagrant violation of the rights of common equity and justice. But I ask them, do they take the Rev. the Associate Synod to be a *justice-court*? Ought they not to have known the difference between a court of conscience, and a court of justice; and the different principles also upon which these several courts proceed in judgment? A justice-court must direct their procedure by old moth-eaten acts of parliament, and must pay strict attention to *right* and *wrong*. But a court of conscience, such as the Associate Synod, has nothing to do with these matters. *General edification* is the point with them; and if this valuable end was gained by their decision against the pannels, it is of small account, by what means it was attained; for this important end will authorise the use of a variety of means. Had the pannels duly attended to the account which Mr Gib has given of the grounds upon which the Associate Synod proceeded in giving judgment against them, they must have been ashamed to offer such trifling objections against it. For, as that gentleman justly observes, “ the Synod proceeded on the ground of *general edification*, without any judgment about sin or duty, **RIGHT** “ or **WRONG**, as to the *merits* of the cause \*.” This satisfactory account of the matter may well silence the pannels, and all those other clamorous malecontents, who have made such noise about the above sentence. For what have the Associate Synod to do with **RIGHT** or **WRONG**? As these punctilioes are not within the province of a court of conscience, the Synod was not obliged to pay any attention to them. Now, it must be observed, that had they inquired into the truth of the facts, in which the *merits of the cause* consisted, they must have been led out of their proper sphere as an ecclesiastic court; and who knows which of the parties in controversy might have been found in the **RIGHT**, or which in the **WRONG**?

Uniformity of character is an amiable thing. We justly applaud this, when we observe it in the behaviour of individuals;

\* *Refuge*, p. 179.

and we ought, with equal reason, to admire it, when we discern it in the procedure of ecclesiastical judicatories. Of all courts of this nature, the Associate Synod is deservedly entitled to the first place on the roll of fame ; and that too in the very article of their procedure, of which the pannels so groundlessly complain ; I mean their sustaining *general* charges against them, and pronouncing sentence on the merits of these, without inquiring into the truth of the same. For, as Mr Gib justly observes, “ this same act of Synod may be justly and fully vindicated,—as much as any thing ever they did, unless it should be quarrelled on the score of too much lenity” towards the pannels \*. The Associate Synod have passed many acts which might very deservedly be recorded here ; but as I conceive Mr Gib has his eye especially upon that memorable deed, whereby they delivered over the Burgher separatists to Satan, I shall, by a few observations, demonstrate, that their act concerning the pannels may be *as fully vindicated*, as the foresaid just and necessary decree.

It is very remarkable, that there is a coincidence of circumstances, in the very original rise of the dispute betwixt Mr Gib and the pannels, and that of the controversy betwixt the Associate Synod, and their heretical brethren. The last, so far as I understand it, took its rise in manner following. Some persons finding that the members of the Associate Synod had excellent stomachs, and could digest the strongest escutents, procured a BONE, which had lain, upwards of an hundred years, in the charter-chest of a certain northern city † ; and, at a meeting of the Associate Synod, threw it upon the table before them. Whether this was done by way of whet to their appetite, or with a design of breaking their teeth, I will not determine : but so it was, that some members no sooner saw the bone, than they grasped at it with as much eagerness, as if they had kept lent for fifteen months before. Others indeed, whose stomachs were more delicate, were for throwing it immediately to the dogs. But the Rev. Mr Adam Gib, having applied the said BONE to his nose, immediately declared it good and wholesome food, fit to be eat, not only by every member of Synod, but also by their families at home. It was alleged by the members of squeamish stomachs, that the Synod had no right to impose such uncommon food upon their families at home,

\* Refuge, p. 175.

† Perth.

without first feeling their pulses, in order to know if they were able to digest such a morsel. In proof of this, they produced an old Presbyterian receipt, (a sort of family-piece), which prescribes, that no master of a family shall introduce into his house any new or suspicious food, or present the same to his children and servants, until he has carefully examined the constitution of every member of his household, and had proper evidence, that such food shall sit easy upon their respective stomachs. But the Rev. Mr Gib and others, having picked off some splinters from the bone, found these agree so well with their appetite, that they immediately resolved and agreed, that every master of a house has an inherent right, as head of the family, to oblige all within his walls to eat whatever food he shall think proper to present before them, provided he partakes of the same himself, were it even hemlock or arsenic, and that too without consulting either their palates or their constitutions. It seems the majority of the members who at that time composed the Associate Synod, were so obstinately tenacious of their old family-receipt, that they would not agree, that either they or their families should taste the BONE, until they were satisfied, that their stomachs were able to digest it. This stubborn resolution obliged Mr Gib to give up housekeeping with the said members, and to dissolve the household, by PROTESTING, that the above-mentioned Presbyterian receipt should not be put in practice; by which PROTEST the *Associate Synod* was at once established upon the sure and stable foundation which it now stands upon. For, in consequence of Mr Gib's protest, the members of Synod, whose digestion was of a piece with his own, were invited to attend him next day at his own house; where they dined upon the said BONE; which, by his remarkable skill in cookery, was served up to them, both hashed, minced, boiled, and roasted. I know it has been affirmed, that this meal did not sit easy upon the stomachs of all the guests. But although one of these vomited up this morsel before he died, this is no evidence of its being bad food; for the Rev. Mr Gib declares, that he has not thrown up the least part of it to this day; and he hopes it will sit easy upon his stomach, and nourish his constitution to his dying day.

From this short history of the BONE, it appears, that the origin of the debate betwixt Mr Gib and the pannels, and the controversy between the Associate Synod and their separating brethren, was precisely the same, namely, a PROTEST ta-

ken by the Rev. Mr Adam Gib. In the first instance, Mr Gib *protested*, that the Associate Synod had an inherent right and power to oblige all their families to make a meal of the BONE, without consulting either their health or constitutions. In the second, HE *protested* against the pannels sitting in Session with him at Cross-causey, unless they acknowledged their supercilious and browbeating MANNER of behaviour; and to both these protests, he still very steadily and conscientiously adheres. Now, I desire the reader may duly attend to the nature of a PROTEST, especially when taken by the Rev. Mr Gib, before the Associate Synod. An hundred and forty-five of the chief women in Mr Gib's congregation, in a dutiful and loyal address to him, have explained this to be a *standing* under the *banner* or *standard* of a protestation. If then a protest in the Associate Synod by Mr Gib is the displaying of a banner, or the erecting of a standard, it is certainly the same with displaying colours, and then beating up for volunteers to attend them; and I defy my reader to condescend upon an instance of a monarch, who once erected his *standard*, and afterwards suffered it to fall to the ground, until he was fairly beaten off the field. How then could Mr Gib suffer the standard of his *protest* to fall, unless he had timidly betrayed the cause for which he so justly contended, and thus been unfaithful to his own dignity and credit? The pannels indeed, under the pretence of a disposition for peace, endeavoured to prevail with Mr Gib to permit his standard to fall to the ground. But this measure was too glaring, to be embraced by that gentleman. For upon the supposition that Mr Gib had suffered his protest against the pannels to fall, then, of course, they might have asked him next to drop his protest against his brethren in the matter of the BONE; and then the consequences of his doing so would have been the entire subversion of the Associate Synod, which stands entirely upon the solid foundation of Mr Gib's *protest*. But that gentleman was too quick-sighted, not to be aware of the consequences of suffering his standard to fall, after it was displayed in any cause.

The falling of banners or standards, is an event which history proves to be a very serious matter. There are two memorable instances of this truth; one in the case of James the Eighth, who stood candidate for a crown; the other in that of Charles I. who endeavoured to keep possession of one. It is observed by a Rev. historian, that when the Earl of Mar e-

rected the standard of James VIII. at Brae-Mar, in the year 1715, it had not stood many hours before the gilded ball on the top of it fell to the ground. Some highlanders endued with the privilege of the second sight, immediately pronounced this omen to be a certain indication of the unsucceſſfulness of the Chevalier's attempt upon the crown; and very justly too, as the event verified. Now, let it be remembered, that when Mr Gib erected the standard of his protest against his brethren in the article of the BONE, he was then only a candidate for the mitre of ecclesiastical supremacy in the Associate Synod; which has been since ſo deservedly conferred upon him. In ſuch circumstances, what might the conſequences been, if Mr Gib had ſuffered his banner to fall to the ground? Without any pretensions to the privilege of the ſecond ſight, I will roundly declare, that if this had unluckily been the caſe, the fate of the unfortunate Chevalier and the Rev. Mr Gib had doubtleſſ been the ſame; and the one had fallen as far ſhort of the ſupreme point of ecclesiastical dignity in the Associate Synod, as the other did of the crown of Britain. But luckily for himself and the Associate Synod, Mr Gib ſupported his ſtandard, ſo as to reach thereby the high office which he now ſo deservedly holds, namely, the supremacy over all the Associated churches in Britain, Ireland, and America.

The ſecond historical instance of this truth is in the caſe of Charles the First, grandfather to the above-mentioned titular James the Eighth. When that martyred King was about to carry his arms, for the ſecond time, againſt the Presbyterians of Scotland, his banner, or ſtandard, was erected, to the best of my remembrance, at Nottingham, (for I have not the hiſtory of that period before me). The royal ſtandard was not diſplayed twenty-four hours, before it was obſerved to lie proſtrate on the ground. This accident was obſerved at that time to be remarkably prejudicial to the King's intereſts. For, after this unlucky event, his affairs never proſpered, and every thing went to wreck with him, until at length his unhappy hiſtory was concluded with the loſs of his liberty, life, and crown. Had Mr Gib ſuffered the ſolemn ſtandard of his *proteſt* to fall to the ground, it might in like manner have coſt him his mitre. For it often happens, that ſmall incidents are productive of very great and important events.

I desire the reader will now attend to the grounds upon which the Associate Synod pronounced these two memo-

rable sentences. In the case of their excommunicated brethren, they proceeded against them on this *general* and *just* charge, that they had dropt the **WHOLE** of the testimony. These gentlemen indeed, like the pannels, insisted that the Synod should prove them guilty of the facts imported in this accusation, and convict them of either heresy or immorality, before they sent them a-packing to the devil. But there was no occasion to take this round-about way, when the end might be reached by a much nearer and shorter cut. Is not public *notoriety*, as Mr Gib expresses it, a much surer evidence of the truth of any charge than the testimony of a few private persons? Surely the concurring voice of the public is much more to be depended on, than the evidence of any particular number of individuals. Now, the Rev. Mr Gib has clearly demonstrated in print, that these gentlemen had renounced the **WHOLE** of the testimony, by their obstinate perverseness in the matter of the **BONE**. And indeed nothing can be more evident; for, as was observed, Mr Gib left them on that occasion, and retired to his own house: and it is very certain, that were he to go in pilgrimage to Mecca, he could not fail to carry the **WHOLE** of the testimony amongst with him in his portmanteau. This observation plainly shows the necessity, as well as the equity of the Synod's sentence against the pannels. For had the Associate Synod wantonly provoked Mr Gib to leave them, by suffering the pannels to continue in possession of their good characters, he would instantly have pocketed up the testimony, and carried off the **WHOLE** of it, and then finally excommunicated the court by a solemn **PROTEST**. Had the pannels duly attended to this, they would have dutifully acquiesced in this judgment of the Associate Synod concerning them; nor would they ever have alleged that the procedure of that Rev. court in condemning them, without inquiring into the truth of the accusation against them, was contrary to **LAW**; for necessity knows no law: and if the principles of self-preservation are laudable in individuals, so must they equally be in the case of societies. Seeing then Mr Gib's leaving the Associate Synod, must of necessity have produced the final dissolution and utter ruin of that court, they were warranted, by the laws of self-preservation, to trample on all forms of law, in their procedure with the pannels, in order to prevent that dire catastrophe.

But why all this noise about the Associate Synod's refusing

to inquire into the truth of those particular facts, for which they pronounced sentence upon the pannels? If the matter is properly attended to, it will be found, that they had the most unquestionable evidence of the truth of these, in as much as they had the word of the Rev. Mr Adam Gib in support of them; which they could not discredit, unless they had been downright infidels. The pannels, it would appear, do not understand what stress ought to be laid upon *verbum sacerdotis*, or the word of a priest. The Canon law allows this, in some instances, to be equivalent to the testimony of any two laymen, which, it is well known, is sufficient to attest the truth of any fact in civil courts. Seeing then Mr Gib plighted both his ingenuity and veracity to the Associate Synod, in support of the truth of these facts, there was no occasion to make any particular inquiry concerning them. I know indeed there goes a story of a famous judge, who declared in a certain case, that when the law requires two witnesses, he would not rest the evidence upon the testimony of a single one, were it even Cato himself. But I desire it may be remembered, that however great a man Cato was, yet he was not a Seceding clergyman; which entirely alters the nature of the case. Besides, there is reason to believe, that same judge was utterly ignorant of the weight which ought to be laid upon the word of a priest. It is true, a considerable number of Mr Gib's hearers lately declared in the newspapers, that they would not be security to the public either for his *ingenuity* or *veracity*. But they ought in justice, at the same time, to have told the reason of this; namely, that Mr Gib does not stand in need of any person to be his security, either for the one, or for the other. It is not usual to require security in behalf of one, who, in the mercantile dialect, is called a *good man*, but only in behalf of such as are in suspected circumstances. Now, it is well known, that, in the articles of *veracity* and *ingenuity*, Mr Gib is a *good man*, and deals to A **VERY LARGE EXTENT** in these; so that he has no occasion to ask the credit of any man, as security for him in this branch of business. For his veracity is such as bears faith not only before the Associate Synod, but against any minute in all their records, when these happen to come in competition with it. An instance of this occurred in the controversy betwixt Mr Gib and the pannels. It was recorded in the minutes of Synod, that they had acknowledged they had not behaved towards Mr Gib with all the respect due to his high character.

But, says that gentleman, "I maintained before the Synod af-  
" terwards, that this was a falsehood marked in the minutes,  
" without any one offering to contradict me \*." — How then  
could the pannels allege, that the Synod had no proper evi-  
dence of the truth of the facts, upon which they pronounced  
sentence against them? Had they not all necessary evidence in  
support of these; yea such evidence as is sufficient to overturn  
and disprove their own minutes, when these chance to come in  
competition with it? It was owing to a consciousness of this  
truth, that when Mr Gib found it necessary to give the lie to  
the minutes of Synod, every member was so fully persuaded of  
the justice and propriety of the compliment, that not one of  
them dared to contradict him.

But I hope the reader will be fully satisfied of the equity and  
justice of the abqve sentence against the pannels, when he is in-  
formed of the reasonable and easy terms upon which they might  
have prevented it. Their conduct was as obstinate and perverse, as  
the behaviour of the famous William Penn †, when tried before  
the Lord Mayor of London, for preaching in the streets; of which  
crime he was acquitted. Being brought into court, he was  
ordered to take off his large broad-brimmed hat; but friend  
Penn's conscience not permitting him to pay this piece of de-  
cent respect to the bench, he was fined for his contempt of  
court, in the sum of forty marks, and committed to prison un-  
til he paid the same. Now, how easily might the Quaker have  
both preserved his liberty, and saved his money? It would  
have cost him only the compliment of a hat to the *Lord Mayor*.  
With as much ease might the pannels have prevented the infa-  
my which they lie under, by the sentence of the Associate Sy-  
nod, had not their countenances been as unpliant as the Qua-  
ker's conscience. It would have cost them no more to be re-  
stored to Mr Gib's favour, than smoothing their brows, and  
modulating the tone of their voices into a proper key. That  
gentleman, however unjustly they represent him as *implacable*,  
declares, "That a small matter would have made all end well,  
" —and prevented many dismal consequences. A small de-  
" gree of *lowering the tone* and *smoothing the brow*, would  
" have been readily accepted ‡." Surely there could not be  
more reasonable and easy terms proposed; and as the pannels  
compliance with these would have entirely satisfied Mr Gib's

\* Refuge, p. 92. † Collection of trials, vol 1. ‡ Refuge, p. 68.

conscience, their obstinacy in refusing these justly merited all the weight of the heavy sentence which the Associate Synod pronounced upon them. Therefore I hope the candid reader will agree with Mr Gib, that the above sentence of the Associate Synod may be " justly and fully vindicated, as much as " any thing ever they did, unless it may be quarrelled on the " score of too much lenity towards \*" the pannels.

\* Refuge, p. 175.

T H E E N D.



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